

TRAINING ROADMAP

Your roadmap to job success

SUPERINTENDENT (FB-05)

Want to advance your leadership competencies and learn how you can apply them in your job? Go check out the CBSA's [Leaders' Profile](#).

MANDATORY RECURRING TRAINING: Training that must be repeated following a specific cycle and is required by law or rule, or contributes to safety and well-being in the work environment, or is deemed to be mandatory by the President of the CBSA for this job community.

CORE TRAINING: Foundational training that transfers knowledge and/or develops competencies necessary for employees to perform the associated tasks.

FUNCTION-SPECIFIC TRAINING: Refer to the National Training Standard to see function-specific training.

LEGEND

- 1** LEVEL 1: Training is considered a high priority and crucial to successful job performance
- 2** LEVEL 2: Training is considered a moderate priority and significant to successful job performance
- 3** LEVEL 3: Training is considered a lower priority, and while important, does not significantly impact job performance



E-LEARNING



CLASSROOM

BLENDED



TOTAL DURATION

MANDATORY RECURRING TRAINING

- | | | |
|---|--|---|
| 1. Duty Firearm Annual Recertification (G2005-N) | 5. Control and Defensive Tactics Recertification (S7093-N) – Positions requiring CDT only | 9. Security Awareness for Managers (R1042-P) |
| 2. 3 Year Recertification (Firearm) (G2010-N) – Positions requiring firearm and CDT | 6. First Aid / CPR Recertification (EPSH1001) | 10. Authority Delegation Training Manager Assessment (Varies) |
| 3. 3 Year Recertification (Use of Force) (G2036-N) – Positions requiring firearm and CDT | 7. Hearing Conservation (H7053-P) | 11. Preventing Racial Profiling at the Frontline (H1015-P) |
| 4. Respiratory Protection Program (H3044-P) | 8. Examination of Digital Devices (S7188-P) | |

WITHIN 3 MONTHS

WITHIN 6 MONTHS

WITHIN 12 MONTHS

2 DAYS

1.5 DAYS

9 DAYS

CORE TRAINING

- 1** Workplace Accommodation For Federal Public Service Employees (C345)
- 1** Shift Planning Tutorials (H7117-P)
- 1** Managing Information at the CBSA and the Access to Information and Privacy Acts (F5017-P)
- 1** Critical Incident Stress Management (CISM) for Managers (H2036-N)
- 1** Incident Command System (Level 200) (EPML1003) or depending on provider
- 2** Becoming a Supervisor: The Basics (G312)
- 2** Incident Management Reporting System (IMRS) for Officers and Reviewers (M1070-P)

CORE TRAINING

- 1** Performance Management for the Government of Canada (G140)
- 1** Occupational Health and Safety for Managers and Supervisors (H3034-N)
- 1** Occupational Health and Safety Best Practices for Managers and Supervisors (H3045-N)
- 2** Public Servants Disclosure Protection Act (F4042-N)
- 3** Informal Conflict Management System (ICMS) Awareness (H6003-P)
- 3** Introduction to the Employee Assistance Program (H2029-N)

CORE TRAINING

- 1** Leading at the Frontline (L1102-N)
- 1** Developing Performance Agreements and Learning Plans (G133)
- 2** Difficult Conversations (C1056-P) or How to Manage Difficult Conversations (W009)
- 2** Introduction to CBSA Information Sharing (R1050-P)

RECOMMENDED TRAINING PROGRAM

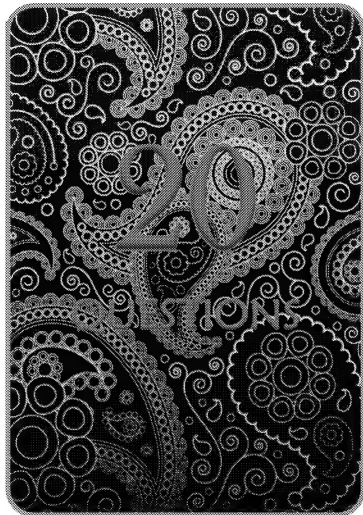
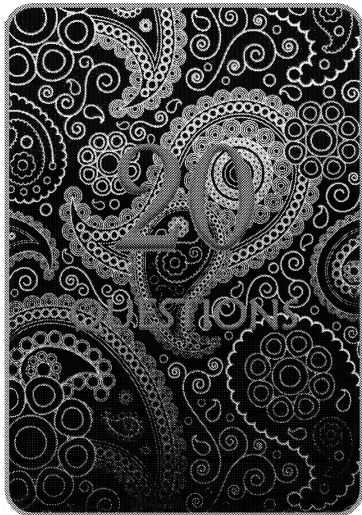
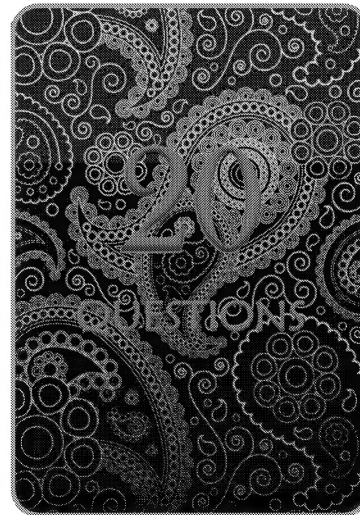
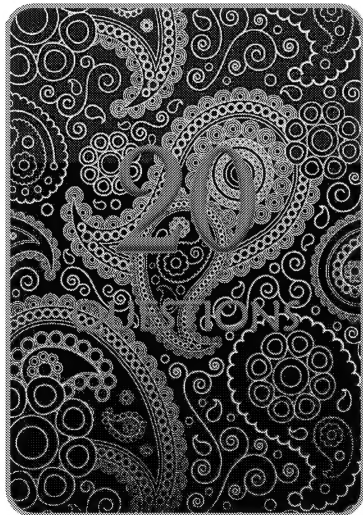
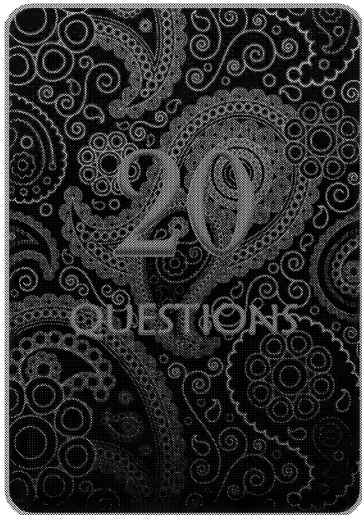
Supervisor Development Program (G313)



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Have any other employees experienced health issues from exposure to jet fuel vapours in Warehouse 13?

Are engineering controls in place to reduce exposure to jet fuel vapours in Warehouse 13?

What is the likelihood of Martin getting a migraine if exposed to jet-fuel vapours?

How often is Martin exposed to the potential hazard?

How severe are the headaches Martin experiences when exposed to the jet-fuel vapours?

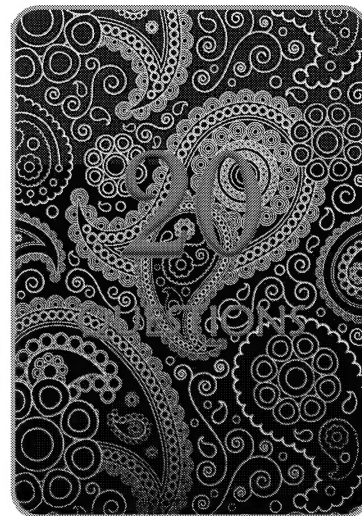
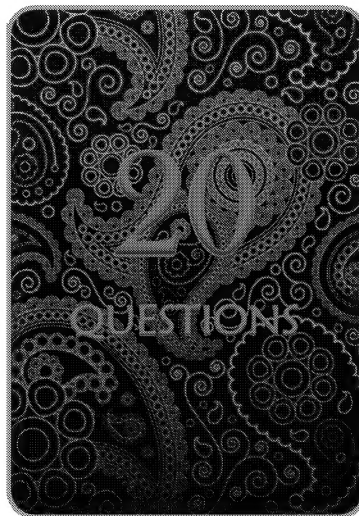
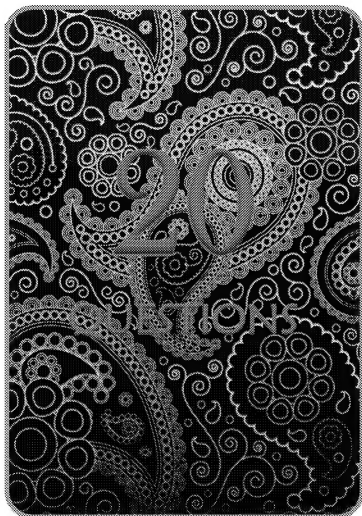
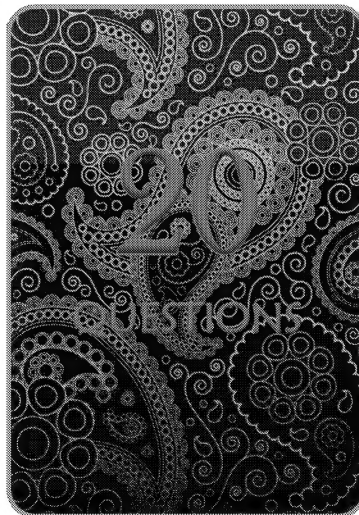
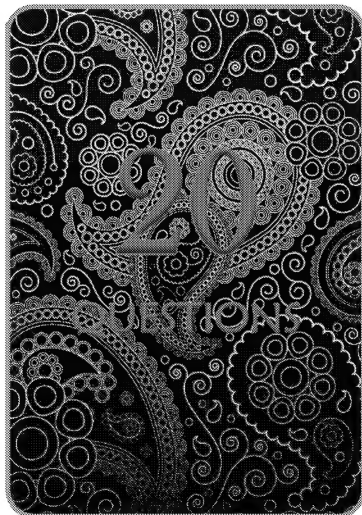
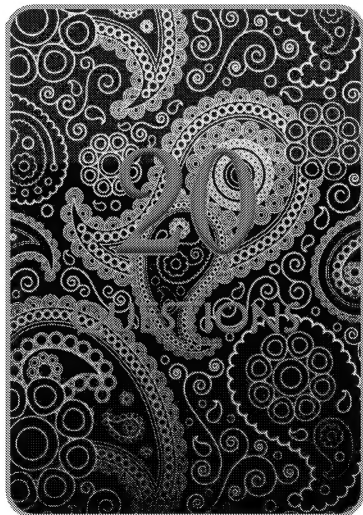
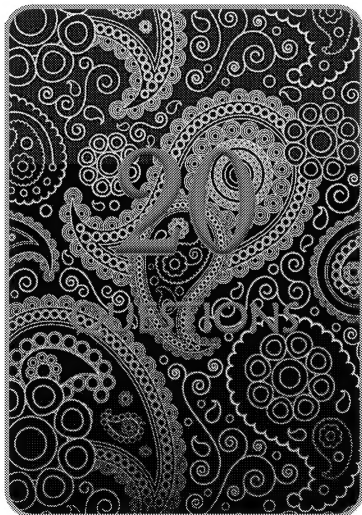
How often does Martin experience migraine headaches in the workplace?

Are the engineering controls functioning as intended?

Has this health concern been raised at any other work location?

In what location has Martin been affected by jet fuel vapours?

Have Martin's co-workers detected jet fuel vapours in Warehouse 13?



How many times has Martin had to leave work as a result of a migraine headache?

Is Martin considered to be a reliable employee?

Has Martin's integrity ever been questioned in the past?

Are there any administrative controls in place to reduce exposure to this hazard?

Has this health concern been previously raised at this work location?

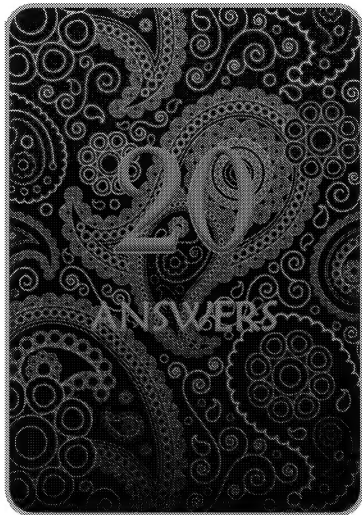
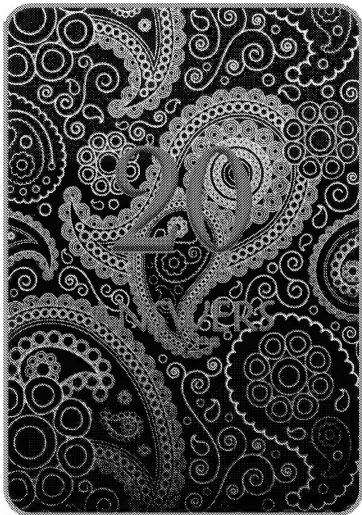
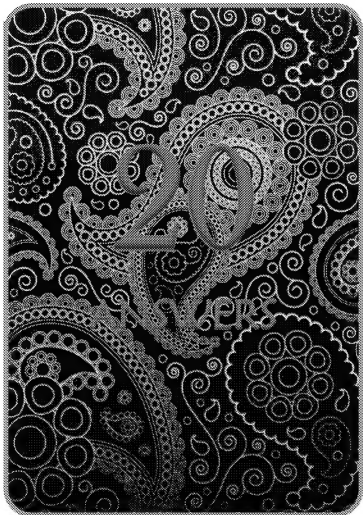
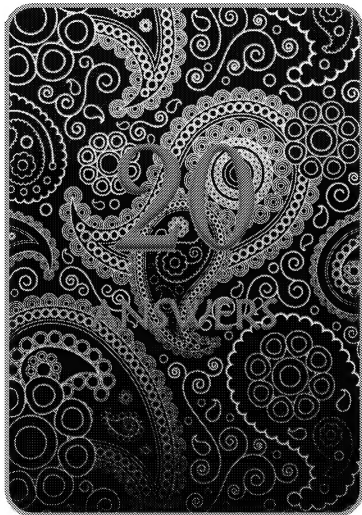
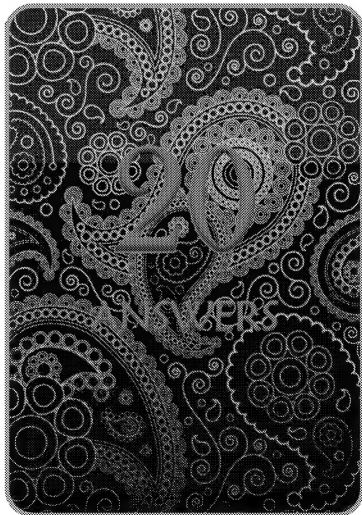
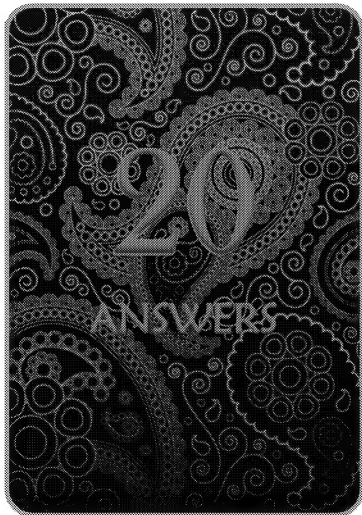
Are other employees supportive of Martin's health concerns?

Would operational requirements allow for removing Warehouse 13 indefinitely from Martin's schedule work assignment?

Are other employees concerned about the potential health risks associated with exposure to jet fuel fumes?

Is Martin using the appropriate personal protective equipment to reduce exposure to the jet fuel fumes?

Has the local Workplace Health and Safety Committee investigated this health concern?



No other employee has experienced health issues relating to the jet fuel vapours in Warehouse 13.

There is an industrial ventilation unit in the immediate vicinity that is in constant operation.

Martin always develops a migraine headache within minutes of exposure to the jet fuel vapours.

Martin is routinely scheduled to work in Warehouse 13 two or three times a week.

Martin's headaches render him incapable of carrying out his duties.

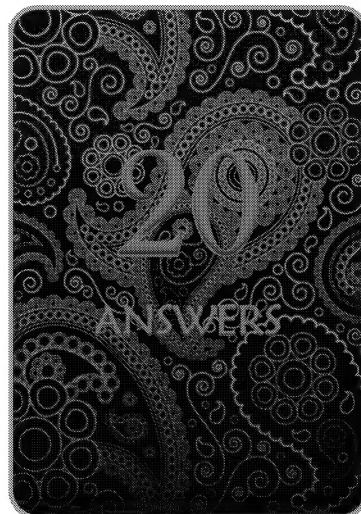
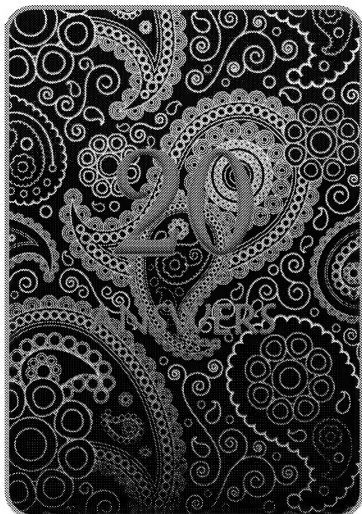
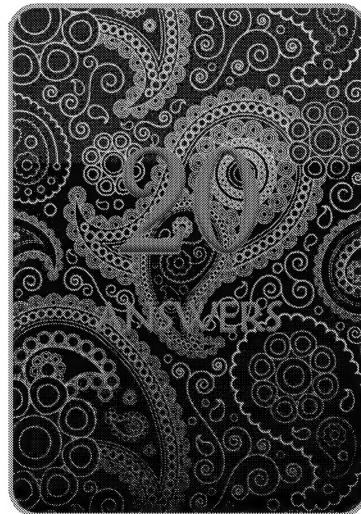
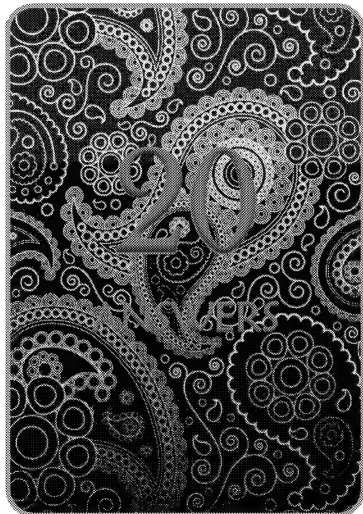
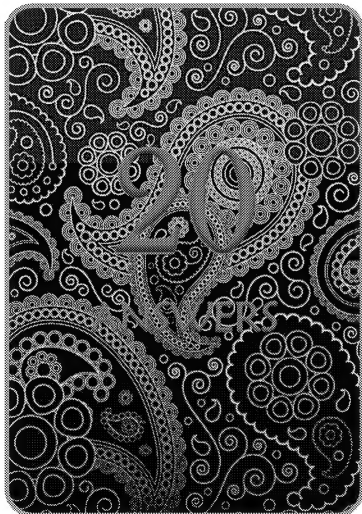
Martin experiences migraine headaches in the workplace two to three times a week.

At your request, PWGSC conducted air quality testing at Warehouse 13. They concluded that the trace levels of jet fuel vapours were not a risk to health.

Neither the Union nor the National OHS Program has any record of this health and safety issue being raised at any other work location.

Warehouse 13 is the only location where Martin experiences migraine headaches.

Other employees have acknowledged the presence of jet fuel vapours in Warehouse 13.



Martin has had to leave work nine times in the past six weeks because of migraine headaches.

Until the recent onset of migraine headaches, Martin's attendance record was exemplary.

Martin's integrity has never come under scrutiny.

An employee will only work in Warehouse 13 two or three times per week, based on his or her schedule work assignment.

No employee has previously complained of health issues relating to jet fuel vapours at this work location.

Other employees are non-committal when it comes to supporting Martin's health concerns.

Operational requirements would allow removing Warehouse 13 indefinitely from Martin's schedule work assignment.

Other employees are curious to know the outcome of any air quality testing.

Martin has not considered using a respirator to reduce exposure to jet fuel fumes.

The local Workplace Health and Safety Committee has been notified of this health concern, but has not investigated the matter.



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Leading at the Frontline


Introduction

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Leading at the Front Line Workshop Introduction

The purpose of this workshop is to prepare the frontline supervisors and managers with the knowledge and skills needed with respect to people management.

The need to meet the CBSA's business priorities requires well informed decision-making at the first level supervisory and manager groups to lead at the frontline.

The target audience of the workshop is FB5s, and FB7s.

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- Welcome Participants


Introduce yourself and provide your background in reference to leading at the frontline and training background (ie. Involvement in delivering previous Supervisor's Essential or Manager's Essential Training; managing a team of 20 people etc.

- Describe the Purpose of the Workshop:

This workshop has been prepared in recognition of the importance of people management within the Agency. More specifically, a frontline management team with the right skills is of paramount importance. It is apparent that for the workforce to meet the business priorities that have been set out by the Agency, the organization requires a strong first level supervisory and manager group to lead the frontline officers.

- Describe the Format of the Session

Over the course of the week, there will be a series of guest speakers who are each specialists in their areas who will deliver sessions
You will be doing some activities and discussing issues and approaches.



Leading at the Frontline Outline

The workshop will include the following topics:

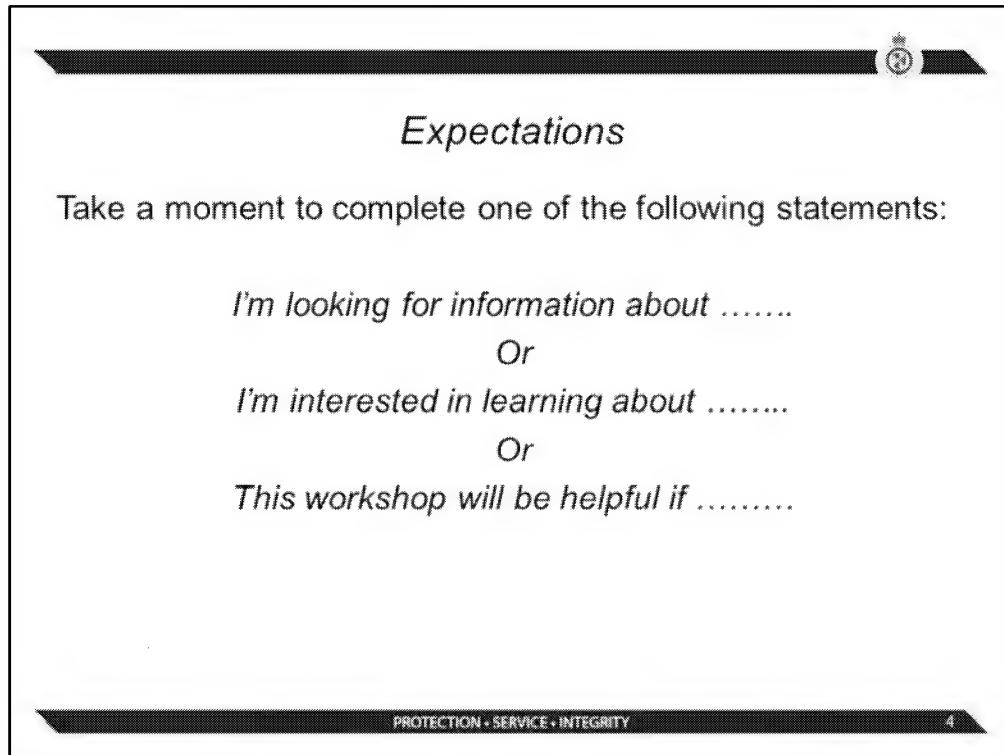
- Strategic Thinking
- Professional Standards and Investigations
- Labour Relations
- Informal Conflict Management System
- Considerations in Effective Leadership

Several topics will be led by experts in the various fields. Each session will include lectures, discussion and exercises.

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Refer participants to the schedule that appears in the participants binders.
State that over the next 4.5 days we will look at the following topics

- Professional Standards and Integrity – on Monday and Tuesday. This session will be led by
- Labour Relations – On Wednesday, the topic will be led by
- Informal Conflict Management Systems on Thursday. The focus of the session will be on the Difficult Conversations. The speaker is ***** Remind participants that they have a survey to complete and the score sheet before the session on Thursday. If they have not received or didn't bring it with them, you can provide a copy at the break.
- Considerations in Effective Leadership – state that you will be leading this section and you will be discussing some topics related to Team Dynamics, Change Management, Stress and Wellness
- Indicate that this workshop is to highlight the processes, procedures and resources that are available to help you lead at the frontline. It will draw on the expertise that exists in the Agency. What this course is not meant to do, is to provide you with the specific answers to all that you might encounter in the workplace.



Expectations

Take a moment to complete one of the following statements:

I'm looking for information about

Or

I'm interested in learning about

Or

This workshop will be helpful if

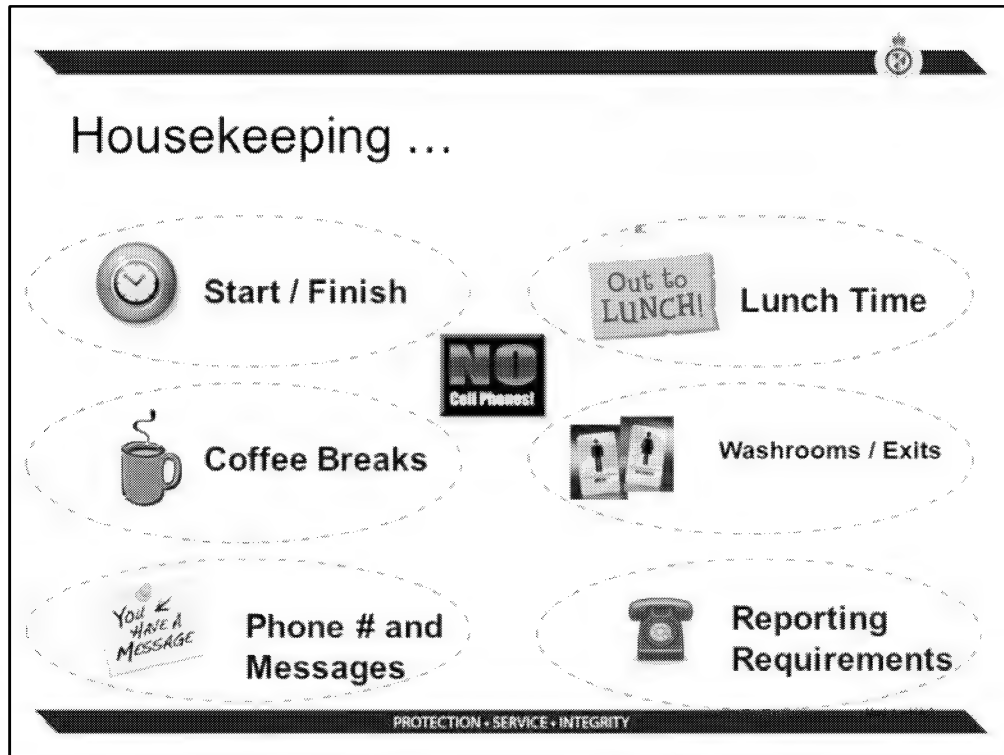
PROTECTION • SERVICE • INTEGRITY 4

We are interested in knowing what brought you to this workshop. Take a moment to complete one of the following statements.

Ask if anyone would volunteer to read their statements. Perhaps 5-8 people – capture a couple of key points on a flipchart.

Acknowledge the statements by indicating if the workshop topics will address their expectations or if this is something that although not planned for the week might be brought up as a question to the appropriate speaker.

As the facilitator for the week, state your own expectations. Typically this may be, getting to know them as participants, learning from participants and from the speakers.



Address the various topics on the slide:

Start and End Times We will have an 8:00 am start each day. We expect to finish around 4:00 pm each day. In between, we will take a couple of breaks. As the individual speakers know their content best, I'm going to let each of them suggest when it is best to take those breaks so the timing may vary on different days.

Lunches we expect that we will take an hour and we will try to time things so that you aren't in a gigantic line up.


Washrooms and Fire Exits – Orient the participants to specifics of each location.

Reporting Requirements- If you are ill and unable to attend, would you please leave me a message so that we know not to expect you for the day. Indicate your cell number on flipchart. Please be in touch with your manager to let them know as well.

With respect to blackberries, cell phones, I would ask that we recognize that having people texting or emailing while others are speaking can be a distraction to the person at the front of the room as well as those who you are sitting with.

Please try to use the breaks and lunches to correspond. It is challenging to be out of the office for a week, we understand that but this is also a learning opportunity which we

expect will be very interesting and valuable.



Find your match

Task 1: Find the other half of your match.

Task 2: Interview one another with the purpose of finding out the following:

- a) The person's name;
- b) How long they have worked with the CBSA;
- c) Their supervisory experience;
- d) One interesting thing about the person;
- e) State what the pair is and one or two things that they have in **common**.

Btw.

None of the pairs have anything to do with this workshop!

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As we will be together for the next few days, it would be helpful for us to get to know each other.

Each of you is to pull out a card and then search the room to find your match.

Have a discussion to learn about the person and share the various points on the shown on the screen.

Point out what they are to learn.

There are 9 pairs, which will be formed. Give participants 15 minutes to locate and interview one another. Spend the next 30 minutes where one partner introduces the other.

After each pair has reported about themselves, ask what their pair statements were and what they have in common. Answers are below.

1. Baby Ruth & Oh Henry— both chocolate bars - both named for real people – Babe Ruth. According to Nestle's site, Oh Henry! was originally named after a boy who frequented the Williamson company, flirting with the girls who made the candy. In the 1920's, the girls would say Oh, Henry.

2. Labrador & Poodle - Types of dogs – both breeds are easy to train and shed minimally

3. John A. MacDonald & John Turner - both Canadian Prime Ministers both born in the United Kingdom - MacDonald - Glasgow, Scotland in 1815, & Turner – Richmond,

England in 1929


4. I'll make him an offer he can't refuse and Frankly, my dear I don't give a damn. - The Godfather and Gone with the Wind .. Both are movies that have a G in the title. Both academy award winners.
5. Ross and Rachel - Famous TV couple from the 90s
6. Harry Potter – The Owl —both fly and both can do magic
7. Julie Payette –Vincent Massey- Both Governors Generals of Canada
8. Murray Sinclair and Beverley McLachlin -- both are Canadian jurists Sinclair - Appointed to Court of Queens Bench of Manitoba McLachlin is Appointed as Chief Justice of Canada,-
9. Rick Mercer and Shaun Majumder – both from Newfoundland and comedians
10. Clara Hughes and John Montgomery – both Olympic gold medalists and both red heads.



Leading at the Frontline

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7



What is meant by leading?

In your groups, discuss the following questions, capture on flipchart and identify a person to report in plenary.

1. What does leading or leadership mean to you?
2. What are some of the challenges that you have encountered when leading?
3. What rewards have you experienced when leading?

Privately, write down one of your strengths as a supervisor or manager.

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To kick off our discussion I would like you to look at a couple of key questions about leadership.

At your tables- we would like you to discuss the following questions. You can take a few minutes to reflect quietly before you begin your discussions. Capture your group's thoughts and ideas on flipchart and identify a speaker for plenary.


- 1: What does leading and or leadership mean to you?
2. What are the challenges that you encounter when leading?
3. What rewards are experienced in leading?
4. Privately, I'd like you to note the one of your strengths as a supervisor or manager.

After 20 minutes, begin the plenary discussion

Discuss for 20 minutes – Rotate amongst the groups. Have each group report on each question.

Close the activity by stating that over the next few days we are going to look at the topics

which we think will help you with those challenges.



CBSA Leaders' Profiles

- The CBSA has created a series of Leaders' Behaviour Profiles from the six key Leader's Competencies.
- They translate each competency into tangible actions.
- There are seven leader's profiles. They range from the officer/ employee to the President and Executive Vice President.

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You just identified what leading means to you but are you aware that there are a series of leader's profiles that focus on the six key leadership competencies?

The Agency has been the first to develop a series of Leaders' Behaviour Profiles from the six key Leaders' Competencies outlined below. These profiles transform each competency into tangible, everyday actions for each role or level, and can assist you with your career planning and development. Learn how you can benefit by reviewing the profile under the category that applies to you.



Explain that the Leaders' Profiles focus on the six key leadership competencies. Refer them to the list which appears on the slide.

Explain that we are going to delve into each of these competencies by looking at three specific areas.

1. The Expected Behaviours for that competency
2. Development options that might be considered to build that competency and
3. Results to be expected.

Ask participants to turn to the Leadership Profiles document that is included in their binders. Explain that there are six pages included but their respective groups will be assigned the competency as indicated by the table number and if there is time the last competency will be done by every group.

Note this exercise is based on there being 5 groups of four participants. You may have to adjust the assigned competencies.

Tell the class that we will look at an example together.

Key Competency: Create a Vision & Strategy	
Expected Behaviours	<ul style="list-style-type: none"> Generates enthusiasm and commitment to the vision of the team/unit..
Development Options	<ul style="list-style-type: none"> Where possible replace director at a planning meeting
Results	<ul style="list-style-type: none"> A clear & compelling vision linked to the integrated border management is created

Present the following example that suggests how they will approach the exercise.
To address the competency of Creating a Vision & Strategy for the manager's profile each category has bullets that ??????????????????stuff missing?

For example the type of expected behaviour would be displaying enthusiasm and commitment for the vision. Group 1 that is assigned to the task will identify other behaviours that might be seen.

Development Options. In this case, creating a vision might have the leader replacing their director at a planning session.

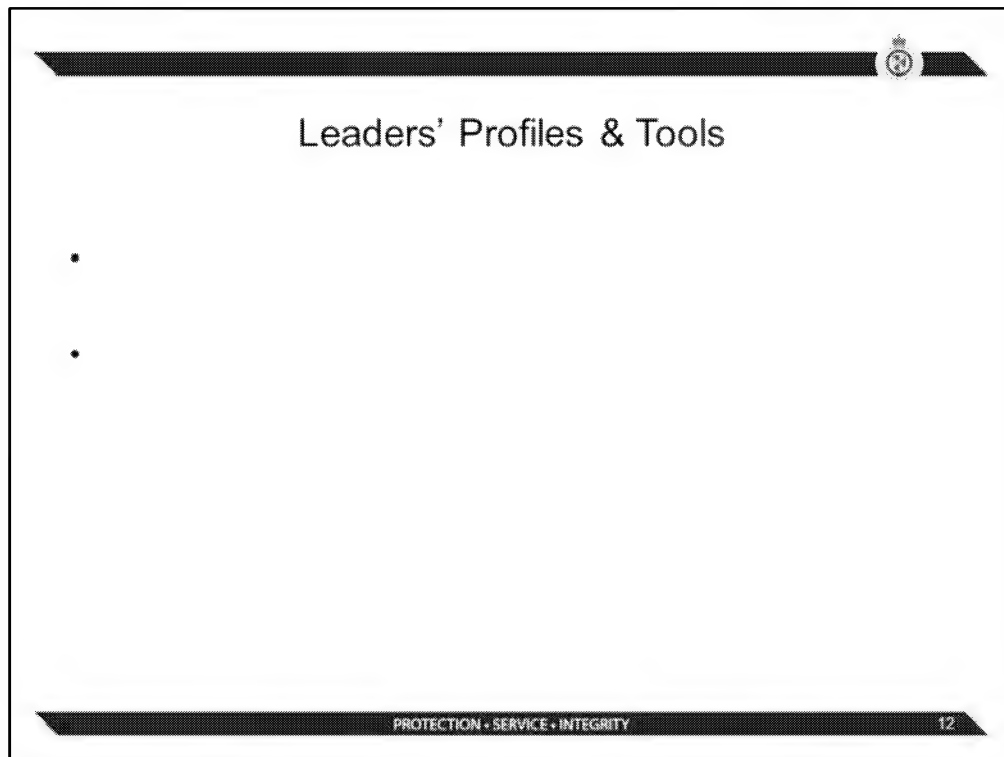
And for the Results – the intention is to have a clear vision that is linked to the border management

Explain that each group will be assigned 1 competency and all groups will do the last competency of Achieving Results. Capture some key points for each item- Expected Results, Development Options and Results on the flipcharts so you can debrief the other groups with your findings.

Allow for 30 -45 minutes of discussion

Debrief should take about 45 minutes also. For the debrief go table by table and then plenary for the final competency. Ask one group to provide information for expected behaviours, another for developmental options and so on.

This exercise is based on having five tables of four participants



Recap the exercise by bringing the class' attention to the website on ATLAS The Leaders' Profile (PDF, 511 KB) and advise they can access by using the link that is provided in their deck.

???? **Text missing????** may help answer these questions and more. It details how all of us, regardless of our position within the organization, can demonstrate leadership, inspire others and drive success.

Click on the link and then Click on the Leader's Profile in the first heading

Scroll down to show the various job titles such as Supervisor or Manager , Director, etc. that are included. Click on one of the profiles to display

+++++Distribute the handouts for the Supervisor and Manager's profiles

They will recognize the key leadership competencies and expected behaviours.

Close by stating that there is a lot of information that you can draw on in terms of increasing your understanding of your role and how to develop the skills you want and need.



Strategic Planning Process

1. Determine your objectives and key activities
2. Conduct an environmental scan
3. Analyze gaps and risks
4. Set priorities
5. Plan financial resources
6. Plan human resources
7. Establish performance measures
8. Monitor and report

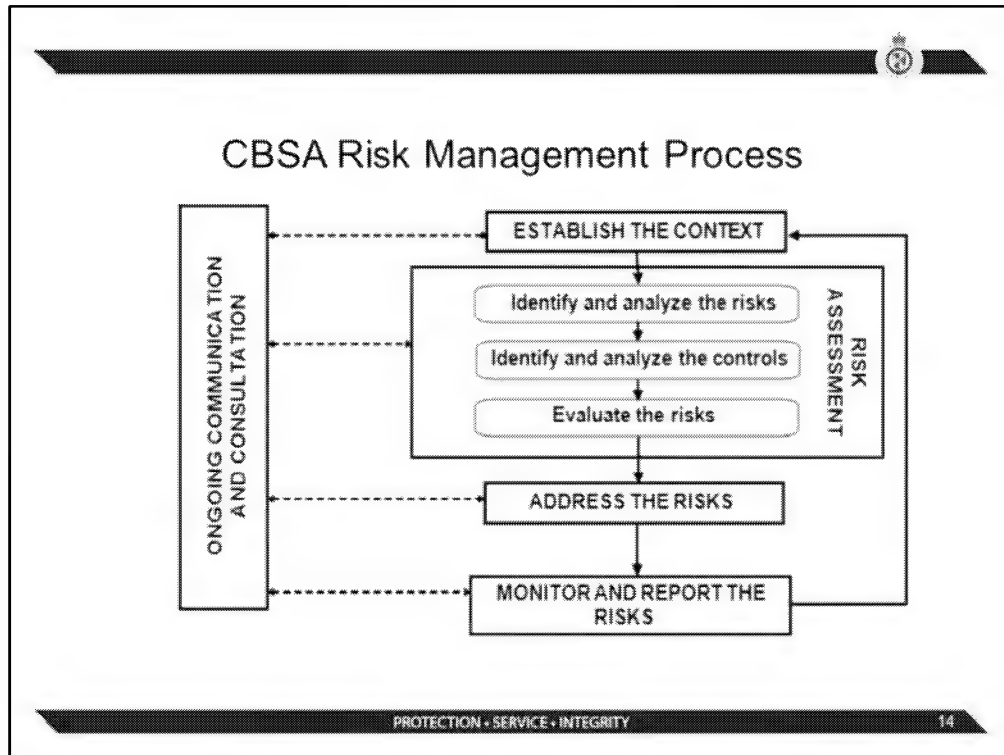
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Explain the strategic planning process

Every planning process goes through a series of stages.

Each of these steps in the process allow managers to examine the environment in which they work, to focus on the crucial issues and challenges and find solutions to enhance performance.



Explain the risk management process

Based on my environmental scan, what factors in my environment might lead to risks?

What are the risks that may prevent me from achieving my objectives?

What would be the impacts if these risks materialized?

What controls do I currently have in place to mitigate these risks?

How effective are these controls?

What is the severity of the risks? Are some higher risks than others?

Do I need to do more to mitigate these risks? If yes, what strategies should I use to mitigate them?

How will I monitor my risks and mitigation strategies and to whom do I need to report on them?

Coaching Styles – Positive	
When to use	What to do
<ul style="list-style-type: none"> •Continue to motivate an employee that is performing well •Add new responsibilities to an employee's job •Help an employee develop or enhance a skill •Prepare an employee for a new assignment, project or promotion 	<ul style="list-style-type: none"> •Clarify your expectations for development of the employee •Define the desired behaviours and activities •Help the employee identify steps to develop and grow •Provide support and resources as needed
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15	

Explain when positive coaching is used.

Make linkage to leaders profiles and fact that coaching accounts for roughly 20% of employee development (10% is formal training and 70% is on-the-job experience).



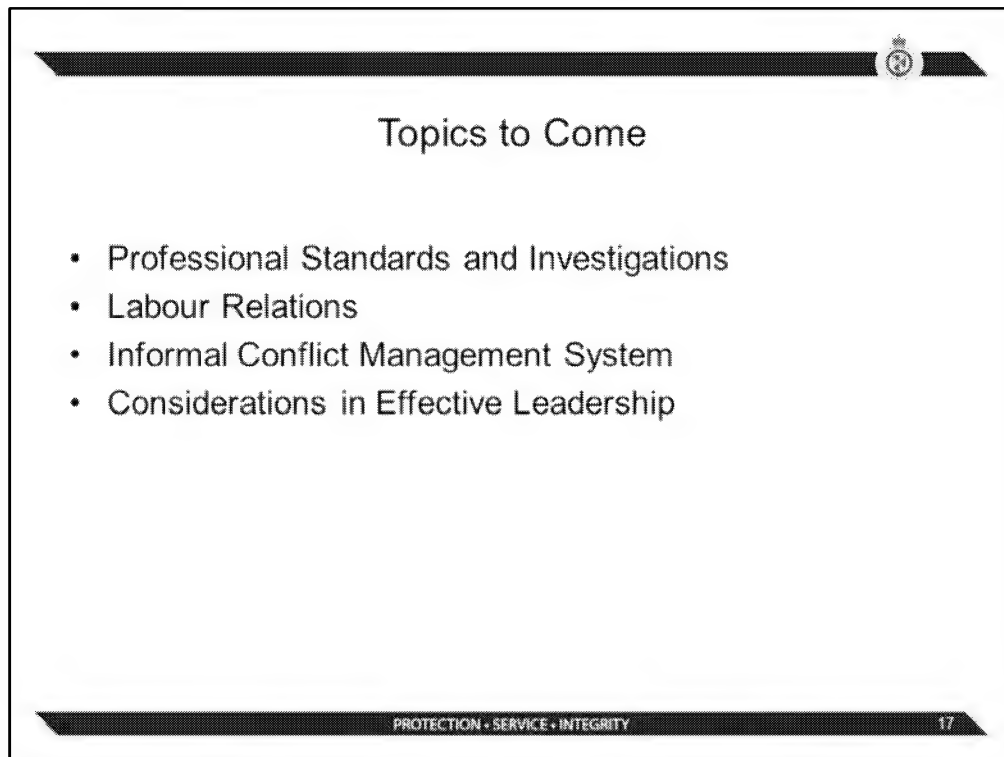
Coaching Styles – Corrective

When to use	What to do
<ul style="list-style-type: none"> • Help an employee change or improve performance • Have an employee take responsibility for change • Establish required actions, consequences and time limits 	<ul style="list-style-type: none"> • Focus on the situation, issue or behaviour rather than the person • Identify the unsatisfactory behaviour • Describe the impact of the behaviour • Discuss ways to improve the performance • Set an action plan and clarify accountability and consequences • Set a time limit for improvement and when you will meet again

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Explain when corrective coaching is used.



Topics to Come

- Professional Standards and Investigations
- Labour Relations
- Informal Conflict Management System
- Considerations in Effective Leadership

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Close your portion of the morning by stating that after the break we will begin the first session about Professional Standards.

You can use this same slide to introduce each of the topics and speakers during the week.



Initial Fact Finding Job Aid

When does an initial fact finding occur?

An initial fact finding may occur when an allegation of misconduct has been levied against an employee. Receipt of an allegation of misconduct starts the Administrative Investigation. Initial fact finding is one of the steps in this process.

STEPS

Administrative Investigations

- 1 Receipt of a complaint or allegation
- 2 Consult with Professional Standards
- 3 Analyse/Review the complaint
- 4 Conduct initial fact finding (*when instructed*)
- 5 Discuss the results with Professional Standards
- 6 Determination if incident should be closed or moved to formal investigation
- 7 Re-Assess/Reconnect with Professional Standards if circumstances change

Fact Finding is critical in determining if an allegation of misconduct has any merit and whether a formal investigation is warranted. However, it is **NOT** a formal investigation at this point.

DEFINITION

Initial Fact Finding is a collection of information relevant to an allegation of misconduct.

Misconduct is any conduct by a Canada Border Services Agency (CBSA) employee, either **ON** or **OFF** duty, that:

- breaches any criminal law, Treasury Board Secretariat (TBS) policy or procedure, including the Values and Ethics Code for the Public Sector, or CBSA policy or procedure, including the CBSA Code of Conduct, or
- adversely affects the professional reputation or image of the CBSA in any manner.

Do you know your responsibilities ?

- All Employees **SHALL** report misconduct to their Manager.
- Directors **SHALL** report misconduct to the Personnel Security and Professional Standards Division (PSPSD)
- Managers **ONLY** conduct Initial Fact Findings after being directed to by PSPSD
 PSPSD will record all incidents and provide advice to Managers on how to proceed.

Conducting the Initial Fact Finding

Tips

Preparing

- A Fact Finding can be in the form of an e-mail, a request for a report, or a face-to-face discussion
- The manager responsible for the employee must conduct the Initial Fact Finding upon the advice/direction of Professional Standards
- The manager must collect any supporting information i.e reports
- The process must be simple, fair, without bias and be completed within 10 business days.
- Before having a discussion with the employee, predetermine core Fact Finding questions in collaboration with PSPSD
- Ensure that you are familiar with the support mechanisms that are available to the employee (EAP etc...)

Having the Discussion

- Know your questions in advance
- It is recommended that employees do not take notes during a Fact Finding discussion
- Employees must initial the manager's notes after the discussion. These notes are subject to Access to Information and Privacy (ATIP)
- Advise the individual of the purpose of the discussion, obtain confirmation that the employee understands the need for full and honest answers and information is only to be shared with those who need to know.
- Simply identify the facts using these questions in chronological order:
 1. Exactly what occurred?
 2. When did it happen?
 3. Where did it happen?
 4. Who was present?
 5. Who did or said what? In what order?
 6. Who else may know relevant information?
 7. How did it happen?
 8. Why did it happen?
- Confirm that you have received all the supporting documentation and if you can contact the employee for follow up

Documentation

- ✓ Always take detailed notes including the names, dates, time and place of the discussion.
- ✓ Always date and sign all notes
- ✓ Ensure that you complete ALL sections of the **Initial Fact Finding Template**

For further direction on this process, please contact the **Personnel Security & Professional Standards Division**

References




The CBSA Professional Standards Investigation Wiki


On ATLAS

- Policy on Internal Investigations into Alleged or Suspected Employee Misconduct
- Professional Standards Investigations – Appendix A Manager's Guide to Conducting Internal Investigations

2019-05-22



Canada Border Services Agency
Agence des services frontaliers du Canada




Professional Standards

Reviewed by: Security and Professional Standards Directorate
May 15, 2019

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
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Part I – Insider Threat, Security Concerns and Misconduct


Part II – Management of Misconduct

Part III – Fact Finding


Part IV – Interview Techniques

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Part I

Insider Threat, Security Concerns and Misconduct

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Topics of Discussion

- Minimum Expected Standards of Conduct
- Law Enforcement Agency
- Misconduct
- Fraud
- Insider Threat
- Behaviours / Personality
- Techniques / Methods
- Indicators
- Reporting Misconduct
- Avoiding and Mitigating Misconduct

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Objectives

The objective of this session is to raise awareness of:

- The expected standards of professional conduct for all employees both on- and off-duty.
- The methods of detecting, reporting, avoiding and mitigating situations involving misconduct.

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The Minimum Expected Standards of Conduct

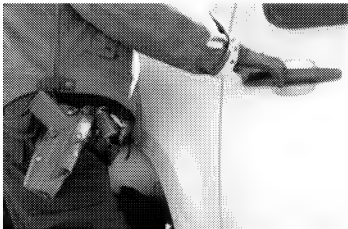
- The Values and Ethics Code for the Public Sector
- The CBSA Code of Conduct
- The Policy on Conflict of Interest and Post-Employment

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The CBSA has a Law Enforcement Mandate



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What is Misconduct?

When an employee:

- Violates legislation, policies, rules and regulations administered by the CBSA
- Violates any legislation for which criminal sanctions are applicable
- Brings the CBSA into disrepute or affects the Agency's working relationship with law enforcement partners

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The Most Frequent Types of Misconduct

Discreditable Conduct

Misuse of IT Systems

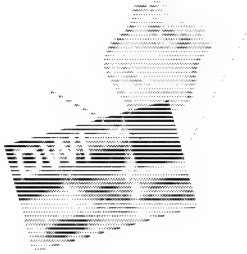
Criminal Association

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Discreditable Conduct

On- and off-duty conduct which is likely to harm the reputation of the employee and/or the Agency




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Discreditable Conduct

SOCIAL MEDIA

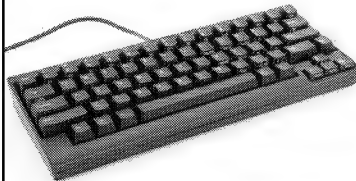


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Misuse of IT Systems

Non-compliance with policies, procedures or guidelines pertaining to information technology systems



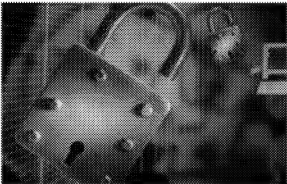
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Misuse of IT Systems

UNWARRANTED DATABASE CHECKS




Global Case Management System (GCMS)

The Integrated Customs Enforcement System (ICES)

The Canadian Police Information Centre (CPIC)

Intelligence Management System (IMS)


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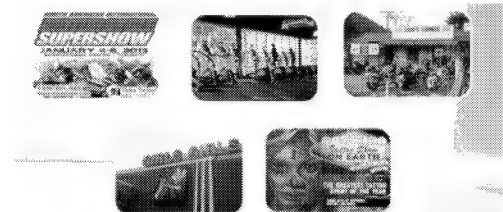
Criminal Association

Social, sexual, financial, or business associations with individuals or groups who have ties to criminal organizations

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Criminal Association



OPENING THE DOOR FOR CRIMINAL INFILTRATION

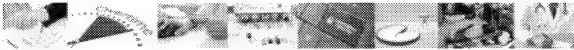
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What is Internal Fraud?

Intentional act committed to secure an unfair or unlawful gain as well as the deliberate violation of laws, regulations, and policies by Agency staff (even when the benefit is non-financial in nature).




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All organizations are subject to fraud risks




Early detection and quick, appropriate action can reduce losses

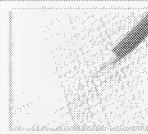
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Fraud Types



Asset Misappropriation




Fraudulent Statements and Reports




Corruption

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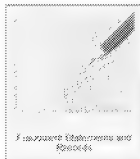
Asset Misappropriation




Damage, theft or misuse of CBSA assets (physical or information).

- ☐ Government Property
- ☐ Information
- ☐ Other Assets

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Fraudulent Statements and Records




The falsification or destruction of financial or non-financial reports / statements / documents in order to obtain some form of improper gain or benefit.

- ☐ Green-tinted Time - Hours
- ☐ Falsification of Documentation

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Corruption



Dishonest or unethical conduct (bribery, facilitation, conflict of interest) by a person entrusted with a position of authority, often to acquire personal benefit.

- ☐ Facilitation
- ☐ Conflict of Interest


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The Fraud Triangle

Explains the reasoning behind an individual's decision to commit internal Fraud.

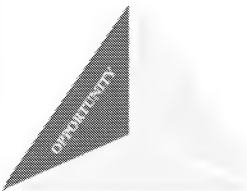
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The need that an individual attempts to satisfy by committing fraud.

- Expensive medical bills,
- Expensive tastes,
- Addiction problems,
- Living beyond one's means,
- High personal debt or credit,
- Substantial financial losses,
- Undue pressure to succeed,
- Greed,
- A feeling of entitlement.

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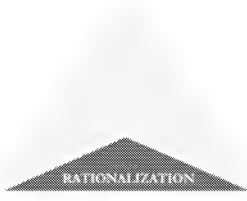


The belief that an act of fraud can be committed and remains undetected.

- Using one's position and authority as a means for engaging in fraudulent activity,
- Capitalizing on lack of monitoring/oversight,
- Using one's ability to deceive using minimal effort.

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RATIONALIZATION

The ability to justify the fraudulent act.

- "I do not care",
- "I am just borrowing the money",
- "Everybody does it",
- "I am not hurting anyone",
- "It is for a good cause",
- "It is not really a serious matter",
- "The organization can afford it",
- "I deserve it".

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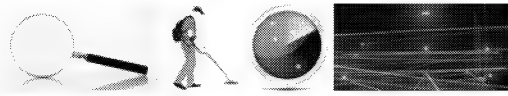
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How is Fraud Detected?

Data Monitoring

Audit

Reporting



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How is Fraud Detected?

Data Monitoring


Monitoring of systems of internal control.

Monitoring and audit of controlled assets.


Monitoring sensitive database use and user activity on CBSC systems.

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How is Fraud Detected?




Uncovering of system/program gaps and weaknesses related to fraud via:

- Internal Audit and Evaluation
- External Audit and Evaluation

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How is Fraud Detected?



Based on **indicators** of fraud (misconduct) that can be observed (and subsequently reported on) by all CBSA employees

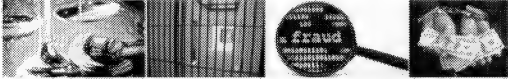
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An indictable offense that is punishable by a term of imprisonment not exceeding fourteen years.

↑ **\$5,000** ↓


An indictable offense that is punishable by a term of imprisonment not exceeding two years, or in less serious cases, by an offence punishable on summary conviction.



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Insider Threat

Any person with authorized access who causes harm, intentionally or otherwise, to the assets of an organization.



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Factors that Can Increase the Risk of an Insider Threat

- A personal, financial, or career crisis often precedes or triggers the action. The individual is placed under great stress as a result of the crisis.
- Friends, co-workers and supervisors fail to recognize or ignore the signs of a serious problem. *Friends/colleagues may recognize the issue, but no one acts upon it.*
- The existence of Predisposing Personality Traits / Behaviours.

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Behaviours / Personality


Narcissistic Traits

- Appear self-centred, entitled and undervalued
- React in a rebellious, passive aggressive or destructive manner when their needs are not met
- Feel the organization is unresponsive to their needs
- Resent authority
- Arrogant, angry and hostile
- Seek immediate gratification
- Inflated sense of self worth
- Intolerance to criticism, inability to accept responsibility

Anti-social Traits


- Tend to reject the normal rules of society
- Lacking in guilt or remorse when they do something wrong
- Being manipulative, self-serving

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Techniques / Methods

Two of the more common methods that are used by foreign entities or criminal organizations to gather information are

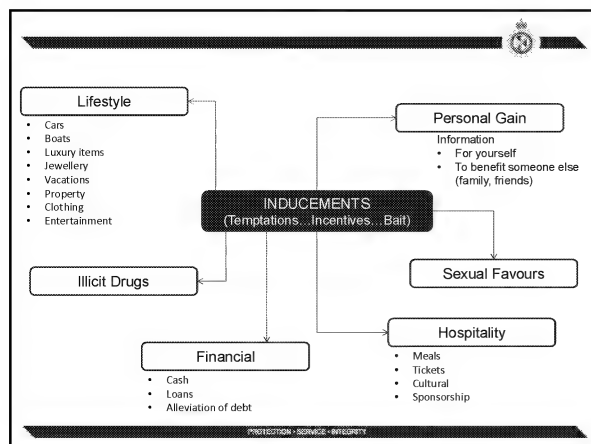



Elicitation



Cultivation


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


Indicators

There are a number of indicators that someone may be engaging in misconduct, or may be an Insider Threat. Keep in mind that:



Indicators are never in isolation, they form an over-all pattern of behaviour.



Indicators are not predictors, but they do present an opportunity to intervene.

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Indicators

Financial

On duty

Off duty

Suspicious Behaviour

Associations / Travel

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Reporting Misconduct

You have an obligation under the CBSA Code of Conduct to promptly report any allegation, suspicion or information concerning employee Misconduct to your:

- Immediate supervisor or manager; or
- Director (if the circumstances warrant it)

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Self-Disclosure

You must self-disclose information to your immediate supervisor when you are in a situation that could:

- Harm the reputation of the CBSA
- Harm your reputation
- Give the impression that you may be involved in misconduct

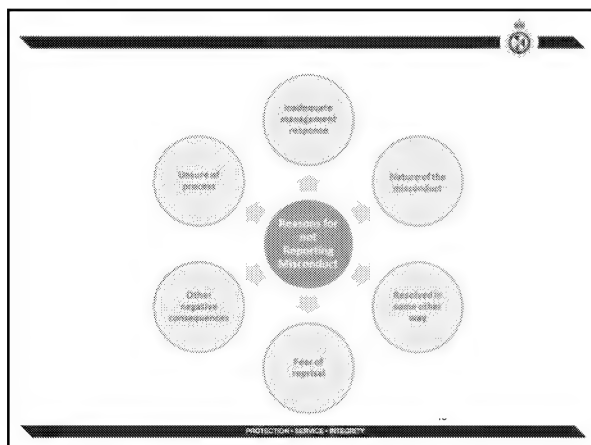
CAUTION

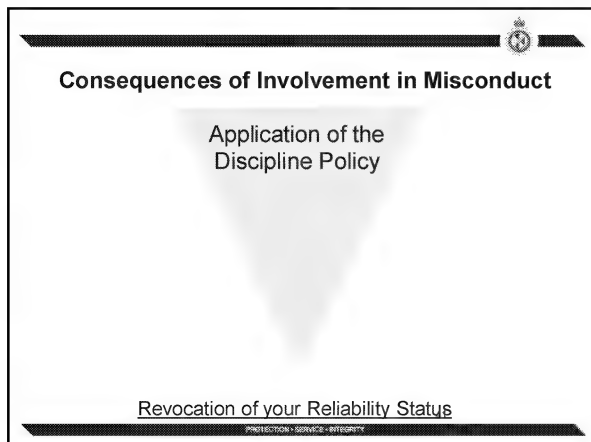
PROTECTION REQUIRED

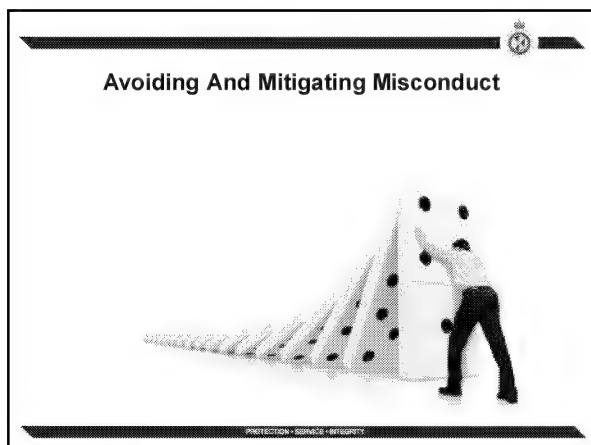
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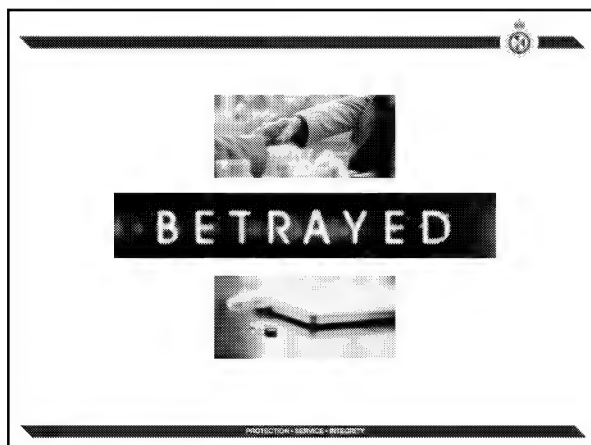
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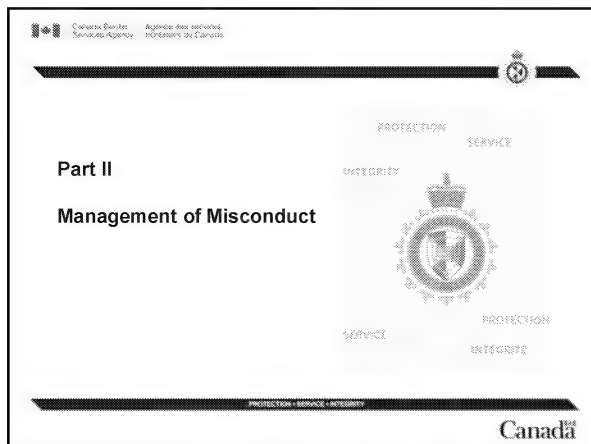


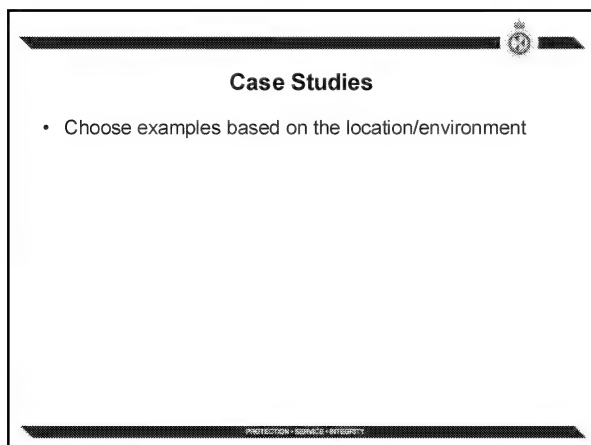





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Employee Misconduct

All CBSA employees have an obligation under the Code of Conduct to promptly report any allegation, suspicion or information concerning employee misconduct to their immediate Supervisor or Manager.



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Receipt of Misconduct

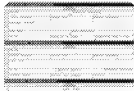
Steps...

☐ No "off the record" reporting

☐ Take notes of all relevant information


☐ Report – chain of command

☐ Do not investigate




Report of Misconduct

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Senior Management Reporting Obligations

When an allegation of misconduct is received, senior management has a responsibility to inform the Security and Professional Standards Directorate (SPSD) within **twenty-four (24) hours** of becoming aware of the incident or complaint.




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Preliminary Review

The Security and Professional Standards Analysis (SPSA) section is responsible for the review and analysis of all referrals of alleged misconduct and security concerns.



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Administrative Investigations

A process initiated as soon as possible after an alleged act of misconduct/wrongdoing has been identified.

It is meant to establish factual and documented evidence to assist management in making an informed decision.

There are six types of Administrative Investigations within the CBSA.

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Administrative Investigations

Professional Standards / Security Investigation

Investigation into serious allegations of employee misconduct which contravene the CBSA Code of Conduct, the Treasury Board Secretariat (TBS) Values and Ethics Code for the Public Sector, breaches of Government and CBSA policies, as well as security incidents.

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Administrative Investigations

Significant Incident Investigation

Investigation into incidents/events that that could cause embarrassment to the CBSA, or that could attract very negative media attention. They require special investigative skills to determine how and why the events actually unfolded. A significant Incident Investigation does not require an allegation of misconduct.

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Administrative Investigations

Management-led investigation

Investigation into alleged employee misconduct determined to be less serious in nature and that can be handled by regional management.

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Administrative Investigations

Harassment Investigation

Investigation into improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm.

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Administrative Investigations

Violence in the Workplace Investigation

Investigation into any action, conduct, threat or gesture that can reasonably be expected to cause harm, injury or illness to an employee in the workplace.

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Administrative Investigations

Senior Officer for Internal Disclosure (SOID) Investigation

Investigation of disclosures of wrongdoing as defined by the Public Servant Disclosure Protection Act.

A wrongdoing is defined as:

- A contravention of any Act of Parliament or of the legislature of a province, or any regulations made under any such Act;
- A misuse of public funds or a public asset;
- A gross mismanagement in the public sector;
- An act or omission that creates a substantial or specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of the public servant;
- A serious breach of a code of conduct such as the CBSA's;
- Knowingly directing or counseling a person to commit a wrongdoing set out under this Act.

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Following an Investigation

Access to Information and Privacy


Final Report

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Disciplinary
Action




Review of
Reliability Status


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Impact


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Service Agency



Part III
Fact Finding




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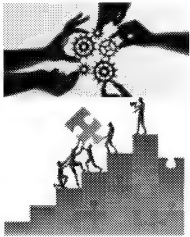
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What is a Fact Finding?

Involves the collection of information related to an allegation of misconduct.




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Purpose

- A Manager's first opportunity to ask employees for reports, or question them in response to an "untested" allegation.
- An employee's first opportunity to speak with their Manager and present their side of events before a complaint turns into an administrative investigation.

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Think of the Bigger Picture


Ask yourself if there may be evidence somewhere that needs to be secured before a management Fact Finding can take place.

A management Fact Finding will not be conducted when it may jeopardize an ongoing investigation or intelligence matter:

- Criminal associations
- Criminal activities
- Conspiracy or Facilitation of illegal activities
- Serious Fraud

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Overview

- ✓ Simple and quick.
- ✓ Gather facts to provide an indication to whether the alleged misconduct occurred or not.
- ✓ No conclusions have been drawn but there is the possibility of a follow-up action.
- ✓ There is no guarantee of anonymity or confidentiality to protect employees.
- ✓ Honesty on the part of the employee is required.
- ✓ Resolution of the fact finding is a top priority.


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A Fact Finding is NOT...



Investigation




A process for establishing guilt




A fishing expedition

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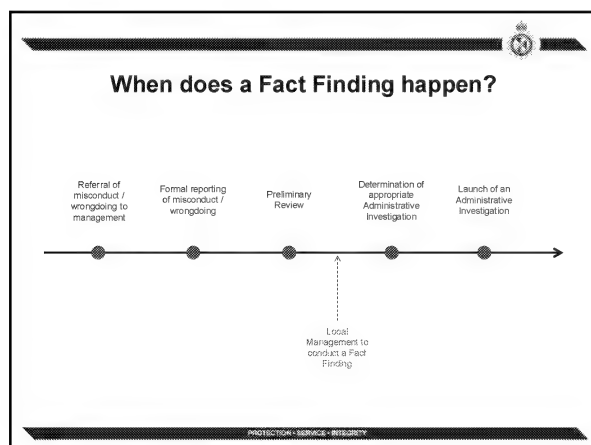


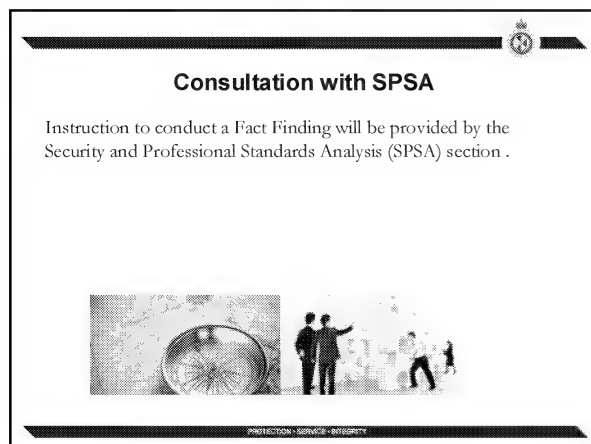
Procedural Fairness (Natural Justice)

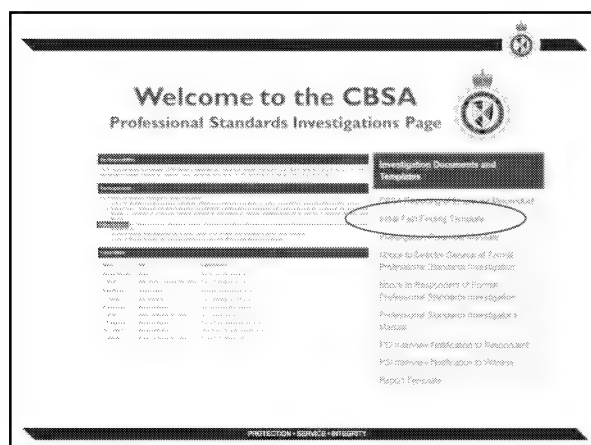
- Inform people of allegation made towards them.
- Provide people with the opportunity to respond.
- Take into account all relevant factors and no irrelevant factors.
- Act fairly and without bias.
- Do not cause delay.



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Communications

- "Need-to-know"
- Closed doors
- Discretion

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Documentation

- The Manager conducting the fact finding will take written notes and will give the individual an opportunity to review the notes at the end of the interview.
- All fact finding notes and reports form part of the alleged misconduct file and are subject to Access to Information and Privacy (ATIP).


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Closing a Fact Finding

- Send all reports/documentation back to the SPSA.
- Normally completed within 10 business days.

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Case Studies

- Choose examples based on the location/environment

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Part IV

Interview Techniques


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Preparation

Consider whether you have a relationship with the individual or involvement in the matter that could place you in a conflict of interest (Note: being the individual's Manager does not necessarily equate to a conflict).


Predetermine the core fact finding questions in collaboration with Professional Standards.

Do your homework.


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Attire



Suit or sports jacket and tie




Business dress or suit



CBSA Uniform


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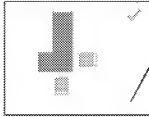


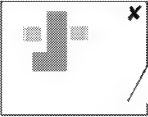
Room Setup

- Pens / Pencil
- Distractions
- Direct view of body language

- Notes
- Position of chairs








Average distance is 4-6 feet


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Elements of Good Listening

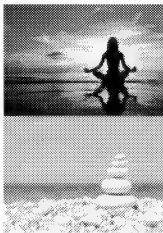
1. **Stop Talking** – You cannot listen if you are talking.
2. **Put People at Ease** – Help them feel free to talk.
3. **Show the Individual That You Want to Listen** – Look and act interested. Listen to understand rather than to reply.
4. **Remove Distractions** – Don't "doodle", tap or shuffle papers.
5. **Empathize With Them** – Try to put yourself in their place so that you can see their point of view.
6. **Be Patient** – Allow plenty of time. Do not interrupt. Don't start for the door or walk away.
7. **Hold Your Temper** – An angry person gets the wrong meaning from words.
8. **Go Easy on Argument and Criticism** – This puts them on the defensive. They may "clam up" or get angry. Do not argue; even if you win, you lose.
9. **Ask Questions** – This encourages them and shows that you are listening. It helps to develop points further.
10. **Stop Talking** – This is the first and last because all other elements depend on it. You just can't do a good listening job while you are talking.

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Interviewer Traits

1. Remain objective and non-judgmental.
2. Practice self-awareness by identifying your own potential biases and putting them aside while conducting the interview.
3. Be curious and inquisitive.
4. Be non-argumentative and be a good listener.
5. Have a neutral expression.
6. Show a calm, controlled demeanor.
7. Show empathy and compassion
8. Take allegations seriously and don't be facetious.
9. Be ready for surprises.
10. Never yell/argue




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Starting the Interview


- Advise the individual of the purpose of the interview.
- Explain that you are taking every allegation seriously and are committed to finding the truth.
- Explain the need for full and honest answers.
- Control and lead the interview from the onset (*handshake*) and throughout.

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Starting the Interview

- Develop a rapport
- Create a non-threatening atmosphere

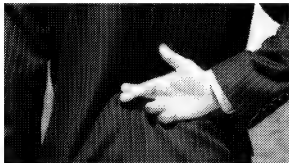


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Body Language


What does a "lie" look like?



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Trunk / Shoulder Position / Posture




Typically Truthful	Exhibits good posture
	Appears comfortable and relaxed
	Generally erect upper trunk with shoulders parallel to interviewer
Typically Untruthful	Trunk leans excessively
	Shoulders slumped or rounded
	Body shifting or frozen in place

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Hands / Arms




Typically Truthful	Comfortable, coordinated, relaxed
	Hands warm and dry
	May lightly hold head or chin
Typically Untruthful	Scratches
	Arms crossed or held tight to trunk of body
	Loss of fine motor control or moves too fast

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Legs / Feet




Typically Truthful	Comfortable, relaxed placement Feet flat on floor Legs or ankles crossed
Typically Untruthful	Legs extended or crossed to keep interviewer at distance Shifts or crosses legs Taps or circles foot

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Head / Neck




Typically Truthful	Head straight or tilted slightly to either side Sincere genuine expression Nods lightly
Typically Untruthful	Head back or forward Phony, beaten, or harried expression Nods from waist or abrupt jerky movement of head

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Verbal

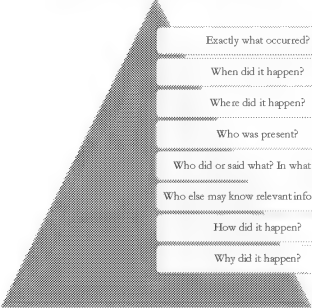


Typically Truthful	Direct, timely response to questions Speaks understandably Cooperative, but does not necessarily want to be your friend
Typically Untruthful	Vague, stammering responses, mumbling Long pauses in speaking Answers that are too quick, short, long or elaborate

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2019-05-22

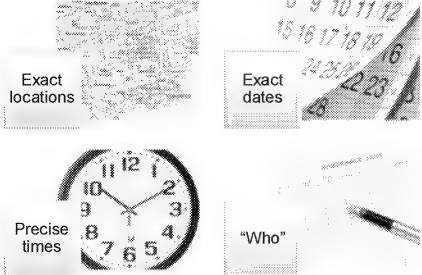
Open Ended Questions



- Exactly what occurred?
- When did it happen?
- Where did it happen?
- Who was present?
- Who did or said what? In what order?
- Who else may know relevant information?
- How did it happen?
- Why did it happen?

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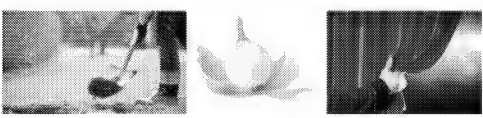
Simple Questions



- Exact locations
- Exact dates
- Precise times
- "Who"

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Follow-up Questions



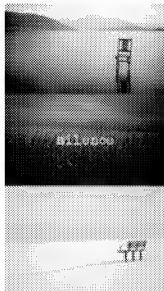
OPPORTUNITY TO CLOSE LOOSE ENDS
OCCASIONNELLE TO CLOSE LOOSE ENDS


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2019-05-22




Timing






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Source

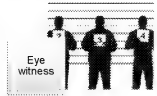
Identify the source of the individual's knowledge:




Hearsay



Rumor




Eye witness




Other knowledge


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Evidence-based Questions




PC / Laptop



Phone

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Undesirable Response

Don't be afraid to say:


"Can you repeat what you just said"

"I don't understand"

"I am trying to understand what you are telling me"

"So if I understand correctly,.....is that correct?"


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Undesirable Response

- Address the employees behavior to draw out observed emotions or physical condition.
- Address the employees apparent uncertainty.
- Bring factual inconsistencies to the employees attention.

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Ending the Interview

Final chance for questions...

- **YES** or **NO** questions can be useful to pinpoint a specific position or fact.
- Any witnesses or others who can corroborate/comment on the incident?
- Anything else to disclose?

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2019-05-22



Questions?

For additional information, please contact the Security and Professional Standards Directorate:
sec-pol@cbsa-asfc.gc.ca

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Collective Agreement Application

Leading at the Frontline
Reviewed by LRCD February 2019



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Canada



Learning Objectives

- Define the term “collective agreement” and identify its legal basis.
- Identify the categories of information contained and excluded from collective agreements;
- Identify the general principles underlying the administration of collective agreements;
- Identify the labour relations authorities that have been delegated to each management level in accordance with the CBSA Delegation of Human Resources Authorities for Grievances, Discipline and Other Matters;
- Apply the provisions of the collective agreement in workplace situations.

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Legal Basis

- The *Federal Public Sector Labour Relations Act* (FPSLRA) defines “collective agreement” as


an agreement in writing, entered into under Part 1 between the employer and a bargaining agent, containing provisions respecting terms and conditions of employment and related matters.
- It is a **negotiated agreement** between the employer and the bargaining agent
- It is a legal contract that is binding on both parties

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Treasury Board as the employer has the legal authority to enter into collective agreements with bargaining agents.

Enforcement of the collective agreement is provided for in Section 114 of the PSLRA which states that: “a collective agreement is, binding on the employer, the bargaining agent, and every employee in the bargaining unit”.

The collective agreement stabilizes and protects relations among the parties for a specified period by bringing together the employment conditions to which they must adhere. A collective agreement facilitates a mutual understanding of employment conditions and enhances compliance with these conditions.



Structure of a Collective Agreement

- Articles, clauses (usually 50 to 60)
- Rates of pay
- Other Appendices (e.g. Workforce Adjustment)
- Memoranda of Understanding

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Clauses and sub-clauses

Appendices

Memoranda of Agreements

Divided into Pay related articles


Pay rates

Overtime rates Shift Premiums

Non Pay Articles

Leave Benefits

Grievance Procedure



Collective Agreements

What is negotiable?

- Monetary: salary, allowances, premiums, overtime rate
- Non-monetary: managerial responsibilities, bargaining agents rights, types of leave, working conditions

What is not negotiable?

- Staffing (PSEA)
- Pension (PSSA)
- Classification (right of employer to organize the work)
- Any term and condition that would require legislation or legislative amendments
- Personal Injury and Compensation (GECA)

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Categories of Information included in collective agreements

Non-Monetary items, such as:

- management responsibilities
- the purpose and scope of the agreement
- recognition of the National Joint Council Agreements

Union security items, such as:


- recognition of the bargaining agent
- check-off
- use of employer facilities
- leave for union business

Monetary items, such as:

- pay
- hours of work
- leave
- overtime
- other terms and conditions of employment

Note: On June 6, 2018, the Quebec Superior Court ruled on an application by the union (UCCO-SACC-CSN) representing federal corrections officers that s. 113 of the Federal Public Sector Labour Relations Act is unconstitutional, except for personal injury compensation (under GECA), which means that pensions, staffing and classification should be items/issues that can be negotiated by the parties. In its decision the Superior Court ordered a 12 month stay of the decision that will allow time for the government to proceed on the matter.

The decision of the Superior Court is currently being analysed by Treasury Board Secretariat, Legal Services to determine if judicial review is warranted, and how the government will proceed.



Residual Rights

The theory that management has the freedom to act except where this freedom is limited by legislation or provisions of a collective agreement. Residual rights exist even if there is no disposition to that effect in a collective agreement.

A “residuals rights” clause is part of the FB Collective Agreement:

Article 6: managerial responsibilities

6.01 Except to the extent provided herein, this agreement in no way restricts the authority of those charged with managerial responsibilities in the public service.

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Collective bargaining – under the *Federal Public Sector Labour Relations Act* operates on the concept that management has no rights except those expressly given to them under the terms of the collective agreement.

Residual rights – under the *Financial Administration Act* operates on the concept that management has complete freedom of action, except where this freedom of action has been expressly limited by the provisions of a collective agreement.

The authority to manage is based on the following subsections of the **Financial Administration Act**:

Powers of the Treasury Board

11.1 (1) In the exercise of its human resources management responsibilities under paragraph 7(1)(e), the Treasury Board may

- (a) determine the human resources requirements of the public service and provide for the allocation and effective utilization of human resources in the public service;
- (b) provide for the classification of positions and persons employed in the public service; [...]

Powers of deputy heads in core public administration

12 (1) Subject to paragraphs 11.1(1)(f) and (g), every deputy head in the core public administration may, with respect to the portion for which he or she is deputy head,

- (a) determine the learning, training and development requirements of persons employed in the public service and fix the terms on which the learning, training and development may be carried out;
- (b) provide for the awards that may be made to persons employed in the public service for outstanding performance of their duties, for other meritorious achievement in relation to their duties or for inventions or practical suggestions for improvements;
- (c) establish standards of discipline and set penalties, including termination of employment, suspension, demotion to a position at a lower maximum rate of pay and financial penalties; [...]



Directive on Terms and Conditions of Employment

- Policy of the Treasury Board Secretariat (TBS)
- Provides sound, consistent and effective practices with respect to the administration of terms and conditions of employment.
- Addresses provisions not covered in the Collective Agreements
- Establishes working conditions for represented employees as well as unrepresented and excluded employees.

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Areas not usually covered in the CA's

Examples:

How to apply pay increments

Calculations of rate of pay on initial appointment or promotion

Regulations on acting assignments


Provides detailed administrative measures



Directive on Terms and Conditions of Employment

- Applies to persons appointed to the core public administration as defined in section 11 of the Financial Administration Act, unless excluded through specific acts, regulations or Orders in Council.
- This includes persons appointed as:
 - indeterminate;
 - term of three months or more **or** term less than three months;
 - casual worker;
 - as and when required basis;
 - seasonal worker;
 - excluded employee or in an unrepresented group;
 - part-time; or
 - part-time worker

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National Joint Council (NJC) Policies

- Deemed to be part of Collective Agreements
- Developed in partnership by employer and bargaining agent representatives at the National Joint Council
- Provisions also apply to persons not covered by collective agreements
 - Travel Directive
 - Relocation Directive
 - Isolated Posts and Government Housing Directive
 - Foreign Services Directive
 - Occupational Safety and Health Directive

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The NJC consults on many issues that affect employees throughout the federal public service; such as the Travel Directive, Relocation Directive and Isolated Post Directive. It is more efficient to negotiate these matters at the NJC rather than at each bargaining table.

The employer as a result of consultation through the NJC has issued a number of directives and policies. Collective Agreements usually contain an article which will specify which of the NJC Agreements form part of the collective agreement and is stated in an article entitled National Joint Council Agreements.




NJC Directives (Policies) not found in the Collective Agreement

- Public Service Health Care Plan
- Public Service Dental Care Plan
- Disability Insurance Plan
- Payroll Deductions with Retroactive Effect
- Policy on Official Languages
- Joint Health Insurance Premiums

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Note: An exception exists, i.e., the Dental Care Plan is within the collective agreements of the 5 Alliance tables (EB, FB, PA, SV and TC).



Unrepresented and Excluded

“Unrepresented” means an **employee** who is not represented by a bargaining agent (e.g. EX, PE). These employees follow the terms and conditions of the Program and Administrative Services (PA) Collective Agreement.

“Excluded” means a **position** that would ordinarily belong to the bargaining unit but has been excluded due to the managerial or confidential nature of the duties of the position. The incumbent of an excluded position does not belong to the union or pay union dues but follows the terms and conditions of the relevant collective agreement.

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Directive on the Terms and Conditions of Employment

Relevant collective agreement is defined as the collective agreement for the bargaining unit to which the person is assigned or would be assigned were the person's position represented or not excluded. For positions classified as PE and OM, the relevant collective agreement is that applying to the Program and Administrative Services Group. For positions classified as PO-IMA and PO-TCO, the relevant collective agreement is that applying to the Technical Services Group.



Impact of Correct Application

- Clarifies ambiguous situation
- Builds confidence and respect for management
- Confines further changes to the interpretation of the actual wording
- Provides sound basis from which to defend grievances


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Impact of incorrect application

- Deprives employees of benefits to which they are entitled
- Causes confusion or dissension in the work area over unequal or unfair application
- Could establish precedents (past practice) and creates a liability for the Agency
- Could cause disagreement with bargaining agents and tarnish the labour-management relationship

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General Principles

- Always refer to the relevant collective agreement;
- Ensure that the appropriate article is at stake.
- "Specific" language always has precedence over "General" language
- Do not interpret the language by giving it a broader/ narrower meaning than what was originally intended.
- If unsure of the application, managers are encouraged to contact Labour Relations.

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For example: An employee has already used up their thirty-seven and a half-hours allowed for **"Leave with pay for Family-Related Responsibilities"** (section 43, PA agreement with PSAC). This employee is again in a situation that meets requirements of this type of leave and submits a request for paid leave under section 52 **"Leave with or without Pay for Other Reasons"** that reads:


"52.01 At its discretion, the Employer may grant:

- (a) leave with pay when circumstances not directly attributable to the employee prevent his or her reporting for duty; such leave shall not be unreasonably withheld;*
- (b) leave with or without pay for purposes other than those specified in the Agreements".*

To be more precise, paragraph (b) reads, *"Leave with or without for purposes other than those specified in this Agreements."*

It seems that there are no restrictions to your using your discretionary authority, but such a restriction does exist. One rule of the applications of collective agreements is *"general clauses cannot have precedence over specific clauses"*. If the employee's request were to be granted under section 52.01b, this would extend the limit of the thirty-seven and a half hours already under section 43.

In other words, we would use a *"general clause"* (other purposes) to extend the limits of a *"specific clause"* (family responsibilities). To approve this leave would be an error because it would be a violation of a fundamental rule of contract law.



Language of Collective Agreements

It is important to pay attention to the terminology used in the provision in question

- “**subject to operational requirements**”
- “at its discretion, the Employer **may**...”
- “The Employer **shall**...”
- « The Employer will make **every reasonable effort** »
- “**Shall not be unreasonably denied**”

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Each collective agreement is tailored to meet the needs of the bargaining units involved in performing work in entirely different environments. While most agreements tend to deal with the same subjects ie. Leave etc, the actual language used may vary. Words mean the same as they in ordinary language. Expressions must be read in the context of the clause or article in which they are found.

Some of the terminology noted are often found in various articles of collective agreements.

End with:

A ‘general’ clause cannot be used to extend the benefits of a specific clause. These clauses are to anticipate situations that are not covered by more specific clauses.

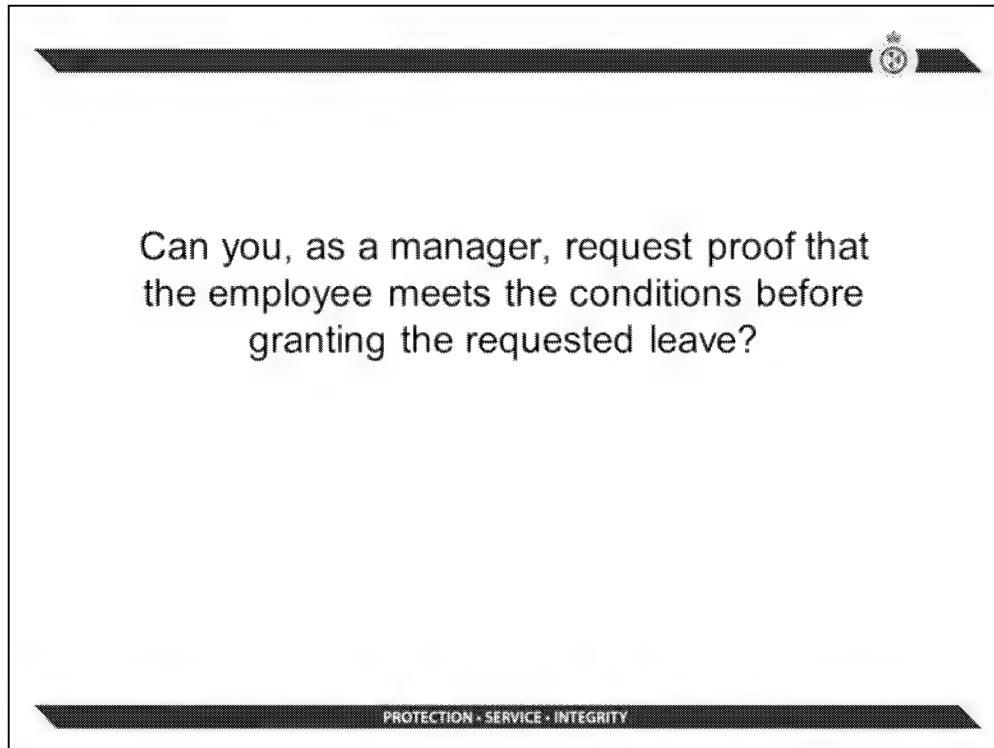
Discretionary and non-discretionary articles and clauses. If an employee meets the requirement or condition of the article, the benefit must be granted. Nevertheless, the onus is on the employee to provide management with the necessary information to support the request.



Managerial Discretion

- Verify that the provision in question does grant the discretionary authority to the manager/supervisor.
- Verify that you are authorized to exercise this discretionary authority.
- Determine the limits of the discretionary authority –verify the provision in question, verify other articles, current principles of management, policies and departmental directives.
- Never forget the spirit of the text and remain objective.
- Verify Agency and TB policies and precedents.
- Do not hesitate to consult the Labour Relations Division as well as the Pay and Benefits Section

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Considering the variety of benefits included in the collective agreements, some employees may attempt to request leave for which it is not warranted. The benefits are provided for specific reasons and their purpose is to facilitate the situation for which the employee may be going through.

Even if collective agreements or clauses stipulate that the employer must grant a benefit, the employee must be in the particular situation. For example, an employee who is not pregnant cannot be granted maternity leave or leave request for a medical appointment for an employee who does not have a medical appointment.

The employer has the right to request proof that the employee meets the conditions of the article before granting the requested leave. As a Manager, you would not be asking for justification every time an employee makes a request, however, it is justified if you believe it is not legitimate.

A fundamental element of this principle is that managers have the right to request sufficient information from employees in order to be satisfied that an employee has an entitlement to the leave being requested.



A Few Extra Notes About the Collective Agreement ...

- New or modified provisions in a collective agreement are marked by a double asterisk (**)
- It is very important to read the entire article to determine degree of discretion, eligibility requirements and restrictions
- Excluded and Alternate Provisions:
 - Either or both may be found at the beginning of an article
 - Excluded provision: a provision which may have no application to a certain group of employees and for which there are no alternate provisions.
 - Alternate provision: means a provision of the agreement which may only have application to certain employees.

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Look for Asterisks - when a new collective agreement is signed any new or revised clauses are identified by asterisks (**). It is good practice to review all new agreements to become acquainted with new or revised provisions.

Seek advice in the application of collective agreements - consult with your Labour Relations Advisor Consultant who has been trained to ensure that the most current and consistent application is being made. The LRALRC has access to subject matter experts at corporate headquarters and at Treasury Board. In order to ensure that the interpretation is correct it is essential that you provide Labour Relations with accurate and complete information.



Collective Agreement Application

- Questions?
- Case Studies

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Misconduct and Discipline

Leading at the Frontline
Reviewed by LRCD February 2019



PROTECTION • SERVICE • INTEGRITY

Canada



Learning Objectives

- The basis of management's authority and responsibility to respond to misconduct
- Define 'misconduct' and 'discipline'
- The Discipline Process – A Practical Step by Step Guide:
 - Finding the Facts
 - The disciplinary hearing
 - When to discipline & alternatives to discipline
 - Quantum of discipline
 - After the discipline – the follow-up.



Authorities & References

- Section 12 (1) (c) of the *Financial Administrative Act* (FAA)
- Collective Agreements
- Employer Policy
 - Treasury Board Secretariat (TBS) Guidelines on Discipline
 - TBS Policy on Harassment Prevention and Resolution
 - Values and Ethics Code for the Public Sector
 - CBSA Code of Conduct
 - CBSA Discipline Policy and Guidelines
 - Many more
- CBSA Instrument of Delegated Authorities

- Under the FAA, the President of CBSA has the legislated authority to establish standards of discipline and set penalties for CBSA employees.
- Limitations to this power:
 - Can only discipline 'for cause';
 - TBS can establish guidelines;
 - Subject to third party review.



Managers' Role and Responsibility to Respond to Misconduct

- Take steps to prevent misconduct.
- **Report all alleged misconduct to the Security and Professional Standards Directorate (SPSD)**
- Investigate allegations and observations of apparent misconduct.
- Take corrective measures when warranted.
- Terminate employment if management determines that the employee cannot be rehabilitated (when the bond of trust between the Employer and the employee has been irrevocably broken).

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Question:

What are the consequences when a manager does not respond effectively to misconduct?

- Managers who do not address misconduct appropriately (appropriate response to misconduct, rendered in a timely way) may be
 - perceived as ineffective or
 - to be participating in the misconduct
- Manager is violating his/her own responsibilities, duties, performance expectations and may be violating policy (e.g., Harassment Policy).
- Employee morale and motivation will likely decline
- A failure to act may result in
 - A perception that the behaviour is acceptable and/or condoned
 - Other employees may join in, believing that management doesn't care, or even condones the misconduct.
 - A perception of favoritism (e.g. only certain employees are disciplined, while others are not)

- Weakening of management's authority to discipline
- Negative impact on the Agency's reputation or programs
- Failure to fulfill the mission and mandate of the Agency (e.g.. missed lookouts)
- Liability if management's inaction is found to be a contributory factor in a legal wrongdoing (e.g. an accident causing injury that was preventable).
- Loss of government property (e.g.. theft of time, wasting of materials and supplies)



Other Roles

- **Employee***: responsible to conform to expected standards of conduct.
- **Regional Labour Relations Advisor**: assist the manager in investigation, analysis, and disciplinary hearing. Make recommendations on whether to discipline and quantum of discipline, in consultation with Corporate Labour Relations (using departmental standards and case law).
- **Union representative**: collective agreement gives an employee the right to have a representative at meetings related to discipline.
- **Security and Professional Standards Directorate (SPSD)** : conducts investigations into allegations of misconduct against CBSA employees (usually criminal allegations, breaches of the legislation CBSA enforces, arming violations and serious security risks) and oversees local investigations.

**The term "employee" includes management*

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Employee (includes management)

-under the harassment policy, employees do have a responsibility to report harassment to a manager

-under the Violence Prevention regulations in the CLC, employees have a responsibility to report incidents of violence in the workplace to management

-under the Code of Conduct

employees who witness serious misconduct must report it to their manager without delay

employees are expected to take reasonable steps, where possible and where there is no personal risk, to address behaviour that is not in keeping with the spirit of the Code

employees must immediately report to their manager if they are arrested, detained or questioned, whether in Canada or outside Canada

employees must report any contact or associations they have with known or suspected criminals outside their official duties

Security and Professional Standards Directorate

-On March 26, 2015, the DG, Security and Professional Standards Directorate sent a memorandum to all regions stating that all allegations or suspicions of employee misconduct must be reported to SPSPD.


-SPSPD has an enhanced role and decides whether the investigation will be

conducted by the SPSD or by local management. The SPSD also oversees and monitors local investigations.

-SPSD now has stricter service standards when conducting investigations as managers had complained about the time it took previously (average of 4 months).

Investigating allegations or suspicions of employee misconduct is accomplished by:

- the SPSD conducting a preliminary assessment which determines if a Professional Standards Investigation (PSI) is required;
- local management conducting a review in consultation with Labour Relations when warranted; or
- The SPSD closing the investigation when there is insufficient information to support the allegations or suspicions.



Preventing Misconduct

- Adequate supervision and mentoring
- Education and communication
 - Employees have a right to know what actions or inactions may lead to discipline.
 - One reason the **CBSA Disciplinary Measures Framework** was introduced
- Consistent application and enforcement
 - A rule that is not applied cannot be broken.
 - If a rule is sporadically enforced, it may be presumed that breaking it is OK.
 - Consistent application between employees
 - Consistent application between individual managers
- *"If you're going to **talk the talk**, you've got to **walk the walk**"*
 - Management is held to a higher standard of behaviour
 - Management is expected to lead by example.

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COMMUNICATE RULES

- Every single rule does not have to be communicated. There must be common sense.
- Rules should be **communicated** in writing when possible.

ENFORCING THE RULES

- It is recommended that managers respond promptly to every incident of misconduct, even seemingly 'small' incidents. Initial responses can be informal for minor incidents.


*If you're going to **talk the talk**, you've got to **walk the walk**". This means that actions speak louder than words and that a manager has to practice what he/she preaches.

The **CBSA Disciplinary Measures Framework** was introduced in October 2018 and is intended to provide general guidance to managers.

Decisions on discipline must continue to be based on the unique facts of each

incident of misconduct, in consultation with Corporate Labour Relations.

Managers are accountable for the decisions they make and cannot simply say “the framework made me do it”



Identify and Verify that an Act of Misconduct Took Place

- Manager is aware of an event or behaviour that may be misconduct (by observation, information, complaint, allegation).
- Advise Regional PSI Unit and Labour Relations of incident
- Fact-finding/administrative investigation (SPSD will determine responsibility for investigation)
- Determination that misconduct occurred.

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-Once you have reported the allegations to the SPSP and have been given the go-ahead to conduct a local investigation, your next job will be to do a fact finding to verify that an act of misconduct took place.


-Most of the steps required in a fact-finding or an investigation will be covered in a later module on 'Administrative Investigations', so I won't be going into detail into that process right now.

-Suffice to say, investigating and verifying an act of misconduct is an essential first step in the disciplinary process.

-There are two very distinct steps involved:

- 1) Finding out what happened (who, what, when, where, why)
- 2) Comparing the 'what happened' against our policies and Code of Conduct to determine if the expected standard of conduct was breached by the employee.

-You will be getting some practise doing some comparisons when we do the case studies at the end of this module.



What is 'Misconduct'?

Misconduct is defined as

A wilful action or inaction by an employee in contravention of the **CBSA Code of Conduct**, the **Values and Ethics Code for the Public Sector** or any other relevant employer policy, directive, guideline, rule or standard of conduct.

Important: Misconduct is culpable behaviour.

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Culpable behaviour refers to behaviour for which the employee is considered to be at fault because it is within the employee's control and/or occurred as a result of the employee's deliberate or intentional action or inaction. As indicated in the CBSA Code of Conduct, culpable behaviour includes neglect of duty. Discipline is the appropriate response to culpable behaviour (misconduct).

Non-culpable behaviour refers to behaviour for which the employee is not considered to be at fault because the behaviour can be attributed to factors outside of the employee's control. For example, if the employee lacks the necessary skills or training, management should provide training and/or counseling to correct the problem. Unsatisfactory performance could be non-culpable behaviour if it is related to a misunderstanding of requirements or an inability to perform the duties. Where a physical or mental disability is present, management has a duty to accommodate.

- There are many different types of misconduct possible.
- In the reference materials at the back of your module, you'll find a copy of the CBSA Code of Conduct.
- A quick scan of that document will illustrate some areas of potential misconduct, which include:

-ignoring health & safety regulations

- violating the uniform policy
- Accessing databases and client files without a valid business purpose
- using your position to bypass CBSA procedures for a friend
- taking longer breaks than permitted under the C/A
- observing the Terms and Conditions of employment
- public criticism of the Government of Canada
- neglect of duty (failure to follow training, policy or management direction)
- contraventions of Acts of Parliament and any act that significantly affects the proper performance of the employees duties(as per the new MOA)



Administrative Measures Prior to Discipline

- Discussion with the employee (informal warning) to point out what they did wrong and ways to avoid it in future
- **Expectations Letter** – a letter that outlines all of the expected behaviours, the requirement and importance of following current policies, rules, procedures, instructions, etc. and the possible consequences of failing to respect them in future
- Other ways to prevent misconduct
 - Adequate supervision; coaching/mentoring; refresher training

New to the FB Collective Agreement**

- Appendix H – Memorandum of Agreement on Administrative Suspensions Pending Investigations

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Note to regional LR – The term “corrective measure” normally refers to discipline.

Discussion with employee / informal warning / counselling don’t use the word ‘misconduct’, use the word ‘inappropriate’ or something similar instead.

Expectations Letter

- Also called an ‘administrative letter’
- Can put it on the employee’s working file and it’s like a work plan because it tells the employee what your expectations are
- Don’t give it to all employees if only one person is transgressing
- Keep a record

****New** Appendix H – Memorandum of Agreement with respect to Administrative Suspensions Pending Investigations [FB Collective Agreement**

only (expiry date: June 20, 2018)]

There is no change to the procedures around serious alleged misconduct and the need for administrative suspension without pay pending investigation. The Employer continues to be guided by the Larson criteria (see below) when determining whether it is possible to allow an employee to remain in the workplace after serious allegations of misconduct have been made. The Employer has a responsibility to justify its initial decision to suspend administratively under Larson and to periodically review that decision to ensure that any new information or circumstance(s) do not cause the decision to no longer be justified.

Administrative suspensions pending investigation continue to be without pay and to only be used where warranted. Administrative suspensions are used only where the allegations of misconduct are sufficiently serious as to cause the Employer to be unable to allow the employee's continued presence in the workplace due to any one of the criteria outlined in **Larson v. Treasury Board (Solicitor General – Correctional Service) 2002 PSSRB 9**

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Basic Concepts of Discipline

Discipline is defined as a carefully considered action such as an oral or written reprimand, suspension without pay, financial penalty, demotion or termination of employment.

Some guiding principles on discipline:

- Discipline is intended to be corrective, not punitive
- Discipline must be proportionate to the misconduct, unless there is current discipline on file
- If there is current discipline* on file, progressive discipline must be used
- Discipline must be timely

**Consult the relevant collective agreement for more information.*

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Purpose/Philosophy of Discipline

- Formally draw the employee's attention to the fact that a given action/conduct is unacceptable
- Inform the employee of the immediate consequences and future consequences if the misconduct is repeated
- Encourage the employee to correct the behaviour
- Reinforce the employer's expectation regarding the behaviour
- Discourage other employees from breaking the rules
- Follow a consistent approach

Article 17.05 of the FB and PA collective agreements indicate the following:

17.05 Any document or written statement related to disciplinary action which may have been placed on the personnel file of an employee shall be destroyed after two (2) years have elapsed since the disciplinary action was taken, provided that no further disciplinary action has been recorded during this period.

Discipline in a Nutshell

- Identify and verify that the act of misconduct took place
- Decide on the most appropriate disciplinary measure and implement it
- Ensure a follow up



Other Concepts Related to Discipline

- Procedural Fairness
- Double Jeopardy
- Just Cause
- Culminating incident
- Burden of Proof
- Evidence
- Standard of Proof
- Disciplinary documents
- Misconduct is not silo'd or streamed into categories of inappropriate behaviour: misconduct is misconduct.

Procedural fairness: This principle requires that before a decision adverse to a person's interests is made, the employee should be made aware of the allegation of misconduct and be given an opportunity to respond.

Double jeopardy: This means that an employee cannot be disciplined twice for the same misconduct, in keeping with the principles of natural justice.

Just Cause: This concept refers to "such reasons as would justify a particular course of action". In the context of discipline, just cause requires that an act of misconduct must actually occur before discipline is imposed. The relationship between 'just cause' and discipline is:


- reasonable grounds evidencing misconduct
- from this, a decision that discipline is warranted
- from this, a decision on the appropriate disciplinary measure.

Culminating Incident: An act of misconduct that on it's own would not warrant a severe disciplinary action, but when placed in the context of the employee's past record of similar behaviour, leads to progressively more serious disciplinary action.

Burden of Proof: The onus is on the Employer to prove it's case, even where no rebuttal is made.

Evidence: Reliable, factual, relevant information that supports the finding for or against the allegation.

Standard of Proof: Balance of probabilities in most cases, sometimes “clear and cogent evidence”.



Meeting with the Employee

- Where practicable, the employee shall receive a minimum of two (2) days notice of such a meeting.**
- Employee is entitled to union representation, if they want it
- The purpose of **pre-discipline** is to
 - present the results of the investigation (or prior).
 - obtain the employee's version of events;
 - obtain any other information the employee feels is relevant
- It is important to take accurate notes at pre-discipline and to provide a copy to Regional Labour Relations.

**Consult the relevant collective agreement for more information.*

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****Change to Article 17.02** of the FB Collective Agreement (expiry date: June 20, 2018) – provision has grown to **include administrative or investigative meetings** and a **notice period of two (2) days**.

17.02 When an employee is required to attend a meeting, the purpose of which is to conduct a **disciplinary, administrative or investigative** hearing concerning him or her or to render a disciplinary decision concerning him or her, the employee is entitled to have, at his or her request, a representative of the Alliance attend the meeting. Where practicable, the employee shall receive a minimum of **two (2) days' notice** of such a meeting.

Treasury Board Secretariat says these are the common mistakes made with respect to disciplinary hearings:

- Management doesn't ask the employee for an explanation
- Management fails to investigate the matter before the interview
- Management fails to comply with the procedural requirements of the collective agreement
- “jumping the gun” and “tipping your hand”

- Not providing all relevant information to the employee so that he or she can properly explain and defence himself/herself
- Letting the person off the hook
- Not investigating or considering the explanation
- Failure to give employee enough time to obtain union representation
- Minimum two days advance notice now required (see changes to language 17.02).



Disciplinary measures

- Oral reprimand
- Written reprimand
- Suspension without pay*
- Financial penalty
- Demotion
- Termination of employment
 - Used only in cases of very serious misconduct; culminating incidents or; progressive discipline.

*Not to be confused with administrative or indefinite suspension without pay pending investigation

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Oral reprimand (OR) – when manager believes it will not take severe discipline for employee to correct problem. No official document, managers notes on file with copy to employee

Written reprimand – after OR or more serious misconduct – written letter placed on file – proof that discipline has been taken – most employees view as serious – in this case will meet objective to modify behaviour.

Suspension without pay – very serious one-time misconduct, or when an employee persists in misconduct after receiving one or more verbal or written reprimands. (Suspension without pay subject to the new MOA.)


Financial penalty – Rarely used at the CBSA - only if suspension would impact OR, service delivery cannot be interrupted, or impossible to call in replacement. (note: used for illegal strike discipline)

Demotion – new – a very serious offence, but employee is still suitable for continued employment, albeit at a lower level.

Termination of employment – clearly, very serious misconduct, very rarely in the

case of a first infraction. Employee cannot be rehabilitated, previous sanctions have been unsuccessful, misconduct prevents employee from further occupying the position.

Culminating incident – not necessarily a very serious misconduct, but the last in a series of misconducts (see progressive discipline).



Choice of Disciplinary Measure

- Discipline must be considered on a case by case basis, according to the unique facts surrounding an incident.
- The **CBSA Disciplinary Measures Framework** is intended to provide general guidance on recommended ranges of discipline for various misconduct, when there is no current discipline on the employee's file
- What disciplinary measure is needed to correct the misconduct? This depends on:
 - The seriousness of the misconduct
 - Link between the misconduct and the employee's duties
 - Disciplinary record (increasing severity with repeated offences)
 - Other circumstances (any mitigating or aggravating factors)


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Ask yourself: What is the LEAST amount of discipline required to correct the behaviour?

Generally consider:

- Severity – discipline proportionate to seriousness – late vs. assault
- Link to Employment or workplace
 - drowsiness (clerk vs. prison guard)
 - smuggling (stats Canada employee vs. BSO)
- Employee's disciplinary record – is the misconduct following a series of disciplinary infractions for similar behaviour? Progressive discipline will apply.
- Extenuating circumstances
- Any current discipline on file (progressive discipline)



Mitigating and Aggravating Factors

Examples of **mitigating factors**:

- No current discipline on file (isolated incident)
- Years of service*
- Provocation, remorse
- Rules not clearly communicated, rules not consistently enforced
- Management participation

Examples of **aggravating factors**:

- Pre-meditation
- Failure to recognize the seriousness of the behaviour
- Employee is not forthcoming
- Link between the misconduct and the employee's duties

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Additional examples of mitigating factors:

- Cooperation with the investigation
- Admission of the offence
- Organizational culture / outside pressures


Additional examples of aggravating factors:

- Encouraging others to act inappropriately
- Endangerment of health or security

*Years of service could also be seen as an aggravating factor

A list can be found in the

- CBSA Discipline Policy and Guidelines in your resource materials, and in the materials for your module.
- CBSA Disciplinary Measures Framework



Scenario

Your employee has accessed a GCMS file in order to check a friend's application. Your employee is a stellar officer with no current discipline on file. You want to issue a written reprimand. Your Labour Relations Advisor recommends that you issue a one-day suspension without pay.

You are very frustrated and fear that the RDG may get involved unless you follow the recommendation of regional and/or corporate labour relations.

What should you do?

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Regional LR Advisors are required to consult Corporate LR for advice on recommended quantum of discipline.

Defer to the recommendation of corporate labour relations.

Managers have the delegated authority to issue discipline and are accountable for the decisions they make.

Managers are expected to make an informed decision, based on all relevant facts surrounding the incident.

Managers must be prepared to defend their decision to a third party (e.g. Public Sector Labour Relations and Employment Board).



Meeting at which discipline is rendered

- Takes place a few days or weeks after pre-discipline
- Manager has made an informed decision on discipline
- Schedules a meeting with a minimum of two days notice
- Reminds the employee of their right to representation during the meeting;
- Provides his/her decision to the employee (letter of discipline)

**Consult the relevant collective agreement for more information.*

A minimum two days advance notice now required (see changes to article 17.02).

Informed decision on discipline means a decision that is based on all relevant information including

- the employee's version of events and explanation
- all mitigating factors
- all aggravating factors



Contents of Discipline Letter

A discipline letter must include


1. Description of the misconduct
2. Factors considered in selecting the level of discipline
3. Disciplinary measure being issued
4. Expectations for future behaviour
5. Consequences for failing to abide by the expected standards of conduct in future
6. Mention that the letter will be placed on the employee's file for a period of two (2) years (exception: oral reprimand) *
7. Employee Assistance Program - availability and contact

**Consult the relevant collective agreement for more information.*



Ensure Follow-up to Avoid Repetition or Recurrence

- Provide a copy of the letter of discipline to the employee.
- Provide a redacted copy to compensation (if needed).
- Place a copy of the letter of discipline on the employee's file.
- Take any additional measures necessary to prevent future misconduct (e.g. provide refresher training if necessary)
- Collective agreements require that any written record of discipline be destroyed after two (2) years have elapsed since the disciplinary action was taken, provided that no further disciplinary action is recorded during this period.



Redress

Any management decision can be grieved.

For example,

- Oral and written reprimands can be grieved to final level.
- Suspensions without pay, financial penalties, demotions and terminations can be grieved up to final level and/or referred for adjudication.
- A manager's interpretation or application of an article of the collective agreement.*

*Individual grievances related to the interpretation of a provision of the collective agreement must be supported by the bargaining agent when referred for adjudication.

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WHAT CAN BE ADJUDICATED?

The following may be referred for adjudication, as outlined in subsection 209(1) of the ***Federal Public Sector Labour Relations Act***:

- (a) the interpretation or application in respect of the employee of a provision of a collective agreement or an arbitral award;
- (b) a disciplinary action resulting in termination, demotion, suspension or financial penalty;
- (c) in the case of an employee in the core public administration,
 - (i) demotion or termination under paragraph 12(1)(d) of the ***Financial Administration Act*** for unsatisfactory performance or under paragraph 12(1)(e) of that Act for any other reason that does not relate to a breach of discipline or misconduct, or
 - (ii) deployment under the ***Public Service Employment Act*** without the employee's consent where consent is required; or



Common Types of Misconduct

- Insubordination;
- Failure to comply with a rule or regulation (wilful or negligent);
- Off-Duty misconduct;
- Inappropriate behaviour towards colleagues or the public;
- Misuse of electronic system / inappropriate accessing of operational databases.
- Violation of Arming Policies (including storage and handling)



Discipline Application

- Questions?
- Case Studies

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Roles and Responsibilities of the Parties

Leading at the Frontline
Reviewed by LRCD **February 2019**



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Canada



Roles and Responsibilities of the Parties

- **Objective(s):** At the end of this module participants will understand:
 - Basic management roles and responsibilities;
 - Management authority in the context of labour relations;
 - Basic roles and responsibilities of employees, union, and Labour Relations advisors;
 - Understand that good labour-management relations improves employee morale and increases productivity.

PROTECTION • SERVICE • INTEGRITY 2

In terms of objectives for this module, we start by looking at basic **management roles and responsibilities**.

We'll look at the specific laws, policies and other **management authorities** that govern the employment relationship in CBSA.

We'll look at what happens when you encounter a situation for which there is **no written law, policy, or contract to provide authority**.

Last but not least, we'll look at the **roles, responsibilities and rights** of the key parties to the employer/employee contract, in other words:

- Managers (representing the Employer); and
- Employees

We'll also talk about the roles of the people who act on behalf of/support/provide advice to the parties to the employment contract:

- Union
- Labour Relations Advisors



CBSA Manager


Within the scope of a manager's job description and in support of the mission and mandate of CBSA, the role and responsibilities of a manager include:

- Plan, organize and implement work production using the allotted and available resources;
- Assign work, provide information, training, and direction to employees to ensure the work is done in the prescribed manner;
- Monitor, evaluate and provide feedback on work performance, output, and employee conduct to ensure standards of performance and conduct are met or exceeded;
- Ensure compliance with laws, collective agreements and policies;
- Perform other duties as required by senior management;
- Ensure a safe, productive and healthy work environment for all employees.

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- ensure work is done
- apply collective agreements
- Deal with performance issues
- investigate discipline issues
- reply to grievances
- prepare for strike
- participate in health and safety.



Sources of Management Authority

- Legislation
 - *Financial Administration Act* (FAA)
 - *Federal Public Sector Labour Relations Act* (FPSLRA)
- Contracts (e.g. collective agreements)
- Policies
- CBSA Instruments of Delegated Authority
- Case law and adjudication decisions

Also, the concept of “residual rights”.

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FAA


- discipline
- determine and regulate the pay, hours of work and leave for employees
- termination of employment and demotion for unsatisfactory performance or misconduct

FPSLRA

- right to join an union
- grievance adjudication
- strikes
- exclusions from union membership

Came into affect April 2005. emphasizes the importance of effective labour-management relations in good human resource management and that collaborative efforts between the parties

- What authorities govern this situation? What are my options?
- Are there any limitations on how I exercise my authority? What are those limitations?
- What do I do if there is a conflict between what two different authorities are telling me to do?
- What if there is no law, contract or policy governing a particular situation? Can I do what I want to do?



Delegation of Human Resources Authorities

- The Treasury Board Secretariat is responsible for people management in the Core Public Administration. Much of this authority has been delegated to Deputy Heads of Departments and Agencies (e.g. the President of the CBSA).
- The President of the CBSA has, in turn, sub-delegated many authorities to managers through the Departmental Delegation of Authorities Instruments.
- All labour relations authorities that have been delegated to managers and are set out in the CBSA Delegation of Authorities, which is available on Atlas.

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-As you can imagine, neither Treasury Board nor the Deputy Head nor the President of CBSA can do it all and that's where you, as managers, come into the picture

-These very high-level 'holders of power' have delegated their authority to you. The "Delegation of Authority Instruments" is the mechanism by which this authority is sub-delegated to you.

Questions:

Who has seen the CBSA "Delegated Authority for Operational Matters - Labour Relations and Compensation" instrument?

What kind of authorities are covered in this particular instrument?

- Leave
- Hours of work
- Discipline
- Pay

What are some examples of decisions that can be made by superintendents?

- OT
- Annual leave
- Hours of work

What are some examples of decisions that require the Chief level?


- Suspension over 5 days
- Advancement of sick leave
- Care of family over 1 year
- LIA
- 6990

What requires the decision of the RDG?

- Sick leave without pay over 2 years
- Termination
- Career development leave

President – Bereavement Leave

- Grant LWP for periods greater than stipulated in the relevant article



Residual Rights

The theory that management has the freedom to act except where this freedom is limited by legislation or provisions of a collective agreement. Residual rights exist even if there is no disposition to that effect in a collective agreement.

A “residuals rights” clause is part of the FB Collective Agreement:

Article 6: managerial responsibilities

6.01 Except to the extent provided herein, this agreement in no way restricts the authority of those charged with managerial responsibilities in the public service.

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What this means is that... in the absence of any rule that fetters you.... You are free to do as you please! What a concept!

Question: Do you think that’s really true in practice?

Answer: In reality, almost all **aspects of workplace/people management** are covered by some form of law, regulation, collective agreement, MOU, policy, directive that has authority over you. Even when they are not, you are still bound, as a manager, to act in a way that is fair, non-discriminatory, and in good faith.

A good example is the assignment of overtime. There is nothing in the collective agreement or in any policy or directive (national/regional) that states positively that a manager can direct an employee to stay and work overtime. And yet a manager can do it. Even where an employee has not agreed to overtime as a Condition of Employment, a manager has – under residual rights – the authority and right to assign overtime when operations require it. It’s not a totally unfettered right ... you have to be fair, you can’t discriminate, you must exercise your power in good faith. You can’t direct overtime if it would be unsafe to do so. But in a general sense, you can indeed assign overtime. It’s a ‘residual right’.

The “residual rights” of the Employer are provided under s. 6 and 7 of the Federal Public Sector Labour Relation Act and s. 7(1)e and 11.1(1)(a) of the Financial Administration Act, which give the Employer the right to manage its business/organization, i.e.; terms and conditions of employment outside of those negotiated in collective bargaining are established by the Treasury Board under those legislated authorities to create and implement policy instruments that are essential components of effective human resources management.



Collective Agreements and Employer Policies

Collective Agreements

A collective agreement is a legal contract between the employer and the bargaining agent (union) representing certain groups of employees. Managers are required to implement (follow) the terms of the collective agreement.

Employer Policies


- The Treasury Board Secretariat (TBS) is the employer for the Core Public Administration and has numerous policies and directives in all areas of people management.
- The CBSA also has various policies and directives that have been endorsed by senior management and which managers are required to follow.

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Treasury Board Secretariat (TBS) Policies:

- Powers retained by the TBS the much broader components of human resource management including the determination of resourcing requirements, pay, classification, and establishing policies and programs with respect to employment equity, harassment and the disclosure of wrongdoing in the workplace.

- It should be noted that the TBS Directive on the Terms and Conditions of Employment and related instruments set out the terms and conditions of employment for employees who are not covered by a collective agreement. It includes provisions that apply to all employees on matters not found in collective agreements such as the calculation of the rate of pay on appointment; death benefit; seasonal and casual employees.



Terms and Conditions of Employment

- **TBS Directive on Terms and Condition of Employment (DTCE)** and other policies* address matters not found in collective agreements or legislation
- TBS directs the terms and conditions for employees who are unrepresented or excluded (e.g. EX and PE)
- Students are governed by the **TBS Terms and Conditions of Employment for Students** and the relevant collective agreement
- Where there is a conflict, the provisions of the collective agreement prevail over TBS policy.

**e.g. TBS Directive on Leave and Special Working Arrangements*


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Directive on Terms and Conditions of Employment:

This TBS Directive sets out the terms and conditions of employment for employees who are not covered by a collective agreement. It includes provisions that apply to all employees on matters not found in collective agreements such as the calculation of the rate of pay on appointment, death benefit, seasonal and casual employees.

The Directive on Terms and Conditions of Employment plays a number of roles:

- it sets out the terms and conditions of employment for employees who are not covered by a collective agreement such as **unrepresented employees**, **excluded employees**, **casual employees**, etc.
- it sets out **additional** terms and conditions of employment that, in some cases, are not covered by collective agreements.



Past Practice


- There are two ways in which a past practice may limit management rights:
 - If management fails to exercise a right specified in legislation / collective agreement.
 - If management provides a benefit outside of the collective agreement (i.e. benefit to which the employee is not entitled).
- A past practice may be changed by giving reasonable notice to employees.

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Additional details to convey:

- In addition, 'past practice' may limit a manager's ability to discipline in cases of misconduct. If a manager imposes discipline on an employee for behaviour that, although it may be contrary to a rule or to policy, has been tolerated (or allowed) by management in the past, that discipline may be overturned when reviewed by a third party.

- Management can change a 'past practice' but only with reasonable notice to employees, so that employees have a chance to change their behaviour to adjust and conform to the new requirements.



Jurisprudence

- Jurisprudence (case law) provides guidance and may limit our options in a given situation.
- Jurisprudence tells us how third party decision-makers are interpreting legislation, collective agreements and employer policy.
- Third-party decision-makers are judges in a court of law or adjudicators in administrative tribunals such as the Federal Public Sector Labour Relations and Employment Board.
- Decisions of the NJC Executive Committee also provide guidance and can only be appealed by bargaining agents.

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Additional details to convey:

- Management is limited in any court of law or tribunal by the 'principles of natural justice'. Depending on the circumstances, these principles may include:
 - The party accused of misconduct has the right to know what they are accused of, and to respond;
 - The decision-maker in a hearing must be impartial;
 - A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
 - Proceedings should be conducted so they are fair to all the parties - expressed in the latin maxim *audi alteram partem*: "let the other side be heard".



Roles & Responsibilities

- **Employees**
- **Union/Bargaining Agent**
- **Labour Relations Advisors**



Employee Responsibilities

Employee responsibilities include:

- Performing the duties of their position in the manner prescribed by management;
- Complying with management direction;
- Complying with all laws, employer policies and the collective agreement;
- Contributing towards a safe, productive and healthy work environment.

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As managers, you need to understand that employees are obligated to follow your directions.

“Obey now, grieve later” is a key principle when there is a disagreement between a manager and an employee

- e.g. what the employee must do or how they must do it
- e.g. the interpretation of a law, policy or collective agreement provision

For example, the FB collective agreement says in Article 19 that a discrimination grievance can be mediated but only by mutual consent of the parties, and the selection of the mediator will be by mutual agreement. In this case, a manager cannot direct an employee to attend mediation, and the manager cannot unilaterally select a mediator. There is a proscribed process that places limitations on a manager’s right to ‘direct’ the employee.

On the other hand, if a manager wants an officer to work the front counter, the manager has the right to make this direction. There is no rule or law that disallows it.



Employee Rights

Work-related protections prescribed by legislation*, the collective agreement or employer policy

Supervisors must ensure that employee rights are respected.
Some basic employee rights are:

- Right to union representation (see notes);
- Right to file a grievance;
- Right to a healthy and safe work environment;
- Right to refuse dangerous work;
- Right to work in the official language of their choice; and
- Right to a workplace free from discrimination and harassment.

**e.g. Federal Public Sector Labour Relations Act*

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Additional details to convey:

- **Right to union representation:** Article 17.02 of the FB Collective Agreement (expiry date: June 20, 2018) was recently expanded to include administrative and investigative meetings.
- **Right to file a grievance:** outlined in the collective agreement and an option provided to employees who disagree with a management decision or interpretation.
 - Sections 208 and 215 of the FPSLRA give employees the right to file individual or group grievances.
 - Under section 220, only the bargaining agent or the employer may submit a policy grievance.
- **Right to a healthy and safe work environment:** management has the responsibility to provide this and is referenced in the Canada Labour Code, Part II.
- **Right to refuse dangerous work:** Management has responsibility to ensure that certain practices and/or procedures, are safe for employee.
- **Right to work in the official language of their choice:** Outlined in the Treasury Board's Official Languages Policy.

- **Right to a workplace that is free from discrimination and harassment:**
Important that management address issues brought forth from employees in a timely and efficient manner.

Other

- The employer is prohibited from interfering with the formation of an employee organization and from discriminating against an employee organization.
- Bargaining agents (unions) have a duty of fair representation to any employee in the bargaining unit.
- The *Act* prohibits them from acting in an arbitrary or discriminatory manner or in bad faith in representing any employee in the unit.




Union/Bargaining Agent

Union is the term we commonly use to refer to bargaining agents. Unions are employee organizations, that is, organizations that are formed to represent the interests of a group of employees in the workplace. Unions and union activities are governed by the FPSLRA.

Union Responsibilities

- Collective bargaining
- Representation in the grievance process
- Political Action and Lobbying
- Classification Studies
- Appeal Representation

Speaker note: bargaining agents will be explained in the next slide.



Bargaining Agent

Bargaining agents are employee organizations that have been certified by the Federal Public Sector Labour Relations and Employment Board to represent particular groups of employees in various activities (e.g. collective bargaining, unfair labour practices, grievances, strikes, etc.)

- The **Public Service Alliance of Canada** is a bargaining agent that represents many groups of employees (e.g. PA, FB,). The PSAC has many **components** such as the Customs and Immigration Union.
- The **Professional Institute of the Public Service of Canada** is the bargaining agent that represents several other groups of employees (e.g. CS).

Unions refer to employees as their “**members**”.

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Additional notes to convey:

The role of bargaining agents is to represent the interests of their members and seek improvement in terms and conditions of employment such as:


- Compensation
- Working conditions
- Job security
- Hours of work
- Leave

The bargaining agent has the legal right to challenge certain decisions of the employer. This can be done in the following situations:

- During collective bargaining, through job action, legal strikes or reference to a third party
- By representing employees during the grievance process, including adjudication
- By filing policy grievances or unfair labour practice complaints with the FPSLREB

Additional note

How is the union-management relationship in your area?



Labour Relations Advisors

- Role is to assist and/or represent management;
- Provide advice and guidance to management;
- Provide interpretations of the collective agreement, legislation, etc. as needed;
- Validate decisions and consult Corporate Labour Relations (national HQ) when required; and
- Promote best practices for people management;
- Promote an open dialogue and a harmonious Union-Management relationship.

*Employees needing assistance should discuss their questions or concerns with their immediate supervisor.

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Role of Labour Relations Advisors (LRA)

The primary role of the LRA is to act as an advisor to management, providing expert advice on labour relations matters such as collective agreement interpretation, managing performance, addressing employee misconduct and the application of TBS and Agency policies. The LRA has a thorough understanding of relevant legislation, collective agreements, TBS and Agency policies, as well as practical experience in applying these to workplace situations.

Corporate Labour Relations (LRCD) may sometimes consult TBS for an interpretation of the collective agreement. It is important that management is advised of this so that they do not expect an immediate response.

While consultation takes place between management and unions, the LRA can play an important role in promoting effective workplace relations.



Final Tips for Exercising Managerial Authority

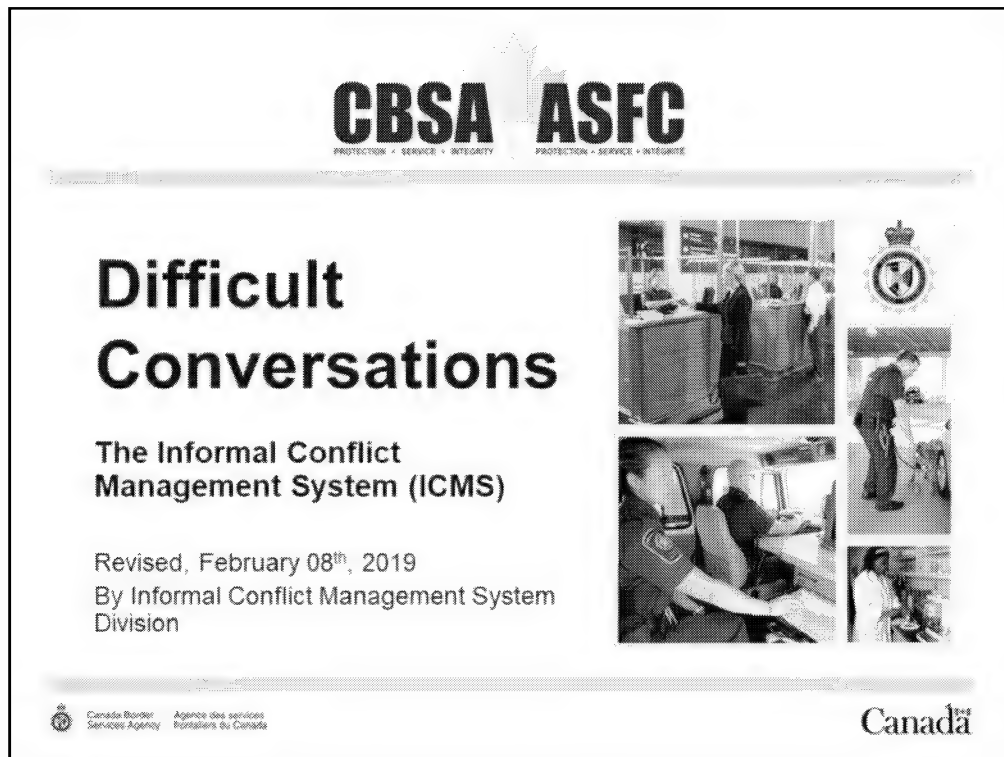
- If you have to say “no”, explore options with the employee and/or the union. It is best to provide a rationale for your decision;
- Be sympathetic but firm when applying the collective agreement or enforcing a rule;
- Consult your manager and/or Labour Relations if you're unsure;
- You may have the 'right' to do something, but it may not be the 'right' thing to do;
- Never let personality conflicts guide your decision-making;
- Be consistent when dealing with employees and the union (both within your management team & between employees);
- Don't forget to apply human values to decision-making.

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Roles and Responsibilities

--QUESTIONS/COMMENTS--



1. **Before the session begins, distribute in each participant's place, the score sheet for conflict management styles questionnaires (sheet #10).**
 2. **Before the session begins, prepare one sheet on the facilitator's flip chart (yours) as follows:**
 - For the Conflict Management Styles: on the sheet on your flipchart, draw the appropriate horizontal and vertical lines for this tool and add the different styles at their appropriate place. Then, transfer the participants' results at their appropriate place by using dots. If results are close to one another, use more than one dot to ensure a better reflection of each participants styles. The idea is to show a representation of the group by showing how individuals tend to manage conflict.
 3. Participants will have been asked in advance on their own time to complete the Conflict Management Styles questionnaires and asked to bring their results to class the next day for your session.
 4. As they arrive in the room, ask participants to write down their results, anonymously, on the score sheet and hand it to you.
 5. Transfer their scores on the appropriate sheet on the flip chart as they are handed to you. You want to have this done before you begin the class. Remember, just use dots and keep it anonymous).
 6. You will show the results only (group picture) at slide #10 for the "Conflict Management Styles".
- Use the highest score for each participant (one dot) OR, if scores are close to one another, use as many dots as you think will truly represents each participants. The idea is to show a group picture.
- **NOW, TO BEGIN THE SESSION:**
 - Ask:
 - How many of you have ever had a difficult conversation?
 - How did it go?
 - Did you feel prepared?
 - Was the outcome what you were hoping for?
 - Ask:
 - How many of you have taken training on "How to give effective feedback" or;
 - "Performance management feedback" or;
 - "How to have a difficult conversation"?

Workshop Objectives

- Increase one's self-awareness in the work environment
- Recognize the characteristics of difficult conversations and effective feedback
- Build agility skills in having difficult conversations and giving/receiving feedback
- Provide strategies for managing challenging situations at work

2

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1. Read through objective of workshop
2. Ask if there are any questions before going any further.

Facilitator's Expectations

- Participant engagement
- Respect
- Cellphone Free Zone
- Stories, Experience & Confidentiality

- Participant engagement:
 - How many of you are new in your leadership role? How many of you have more than five years of experience as a leader? There is varied experience in the room which is great for today's learning opportunity.
- Respect:
 - I ask you be respectful toward one another and refrain from interrupting while someone is speaking.
- Cellphone Free Zone:
 - I will ask you turn your cellphones off or on silence. Should you need to take a call, you may do so outside the room discreetly
- Stories, Experience & Confidentiality:
 - It is always more beneficial for everyone when we can learn from each other through your won stories and pass along that knowledge.
 - I encourage you to share experiences and stories your are comfortable sharing with the group however keep in mind that I cannot guarantee confidentiality

Workshop Outline

- **Welcome & Ice Breaker**
- **The Dynamics of Difficult Conversations**
- **Self-Awareness**
 - Emotional intelligence
 - Conflict Management Styles
- **Break! (15 min)**
- **The Art of Effective Feedback**
- **Lunch! (60 min)**
- **Model for Giving/Receiving Feedback**
 - Working on the “how”
- **Practical Exercises**
- **Questions and Answers**

4

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1. Read through agenda
2. Ask if there are any questions
3. Reiterate and highlight the need for RESPECT

ICE BREAKER

- Please state:
 - Your first and last name
 - Name a quality that describes you by using the first letter of your name

Since the participants have been together for the previous three days already, this Ice Breaker is mainly for the Facilitator to do a quick round table to see the dynamic of the group. So, suggesting the following but can be something different.

For example, adjectives that Start with the Letter J:

Jovial – joyful and playful. ...

Jaunty – fashionable; stylish. ...

Jocund – cheerful; high spirits. ...

Jazzy – lively and bright (can also mean flashy). ...

Jingoistic – overly nationalistic or patriotic. ...

Judicious – showing good judgment; wise. ...

Jocose – humorous; joking.

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What Makes a Conversation Difficult?

1. Have you had a difficult conversation in the past?
2. If so, what made it difficult?

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ACTIVITY:

1. What are conversations – topics - that you find challenging or difficult that you have had or need to have?

Split into 3 groups & brainstorm

Each group picks their top choice/most relevant and names it

Share the scenario in large group (flip chart)

2. What makes a conversation difficult?

Large group

Record on flipchart

Then go to next slide to compare answers

What Makes a Conversation Difficult?

- Nature of topic
- High stake
- Personal feelings and potential impact on the relationship
- Confidence level and lack of know how
- Knowledge of other person & of situation
- Limited perceived options available to resolve the situation
- Perceived or real power imbalance

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- All are legitimate points on why some conversations are difficult to have
- **Ask:** Notice that a number of these difficulties come down to our own FEARS or FEELINGS on having the conversation?
- Emotional Intelligence (EI) can assist us in understanding how to navigate some of these difficult conversation
- Questions:
 - As anyone ever heard of EI?
 - Can anyone describe what it means?
 - How do you think EI and difficult conversations are connected?

Then go to the next slide

Emotional Intelligence

- Emotional intelligence (EI) is the capability of individuals to recognize their own, and other people's emotions. And to use this emotion information to guide thinking and behavior.
- Our emotional intelligence will impact how effective we are in handling difficult conversations and how well we can manage other people's reactions to difficult conversations

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Emotional Intelligence (EQ) can help...

1. **Self-awareness:** The ability to identify what you are feeling and how it influences your behaviour.
2. **Self-management:** The capacity to process your feelings and respond appropriately in challenging situations.
3. **Social awareness:** The aptitude to perceive changes in someone's behaviour and body language and to use this information to guide your response, behaviour or actions.

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Building your emotional intelligence helps you understand how your feelings and emotions influence your behaviour. Developing this understanding puts you in a better position to manage your behaviour and to be aware of what other people might be experiencing.

Emotional Intelligence activity

Exercise:

Have participants pair up - one is A and other is B.

A's stay in the room. Send B's in the hall and let them know that you will be there shortly.

Instruct the A's in the room that they are to talk (for 1 minute) about their career path, how they got to where they are now, OR something they are very passionate about

Join the B's in hall give them the following instructions: to completely ignore their partner.

Once they are back in the room with their partners, ask them to wait until you say go. After one minute of this, tell them to stop.

Debrief: Start with ``As`` then ``Bs`` and alternate the same way for each following question:

Self-awareness? What were you *feeling* and how did it influence your behaviour?

Self-management: How well did you manage your feelings and how appropriately did you respond? Did your response help the situation? How did it influence your response?

Social awareness: What did you perceive in your partner's behaviour and body language and how did you use this information to guide your response, behaviour or actions?



Now, lets look at the results of the questionnaire.



The Thomas Kilmann Instrument (TKI) is:

It is a framework for understanding the main approaches to conflict and how we can use this understanding to respond to conflict rather than react.

It is a means of discovery:

- To expand *self* awareness
- To develop awareness of *others*
- To assess conflict *situations*

According to TKI, there are **5 main styles** that people employ when faced with a conflict;

- Accommodate / accomodation
- Compete / competition
- Avoid / evitement
- Compromise / compromis
- Collaborate / collaboration

Circles:

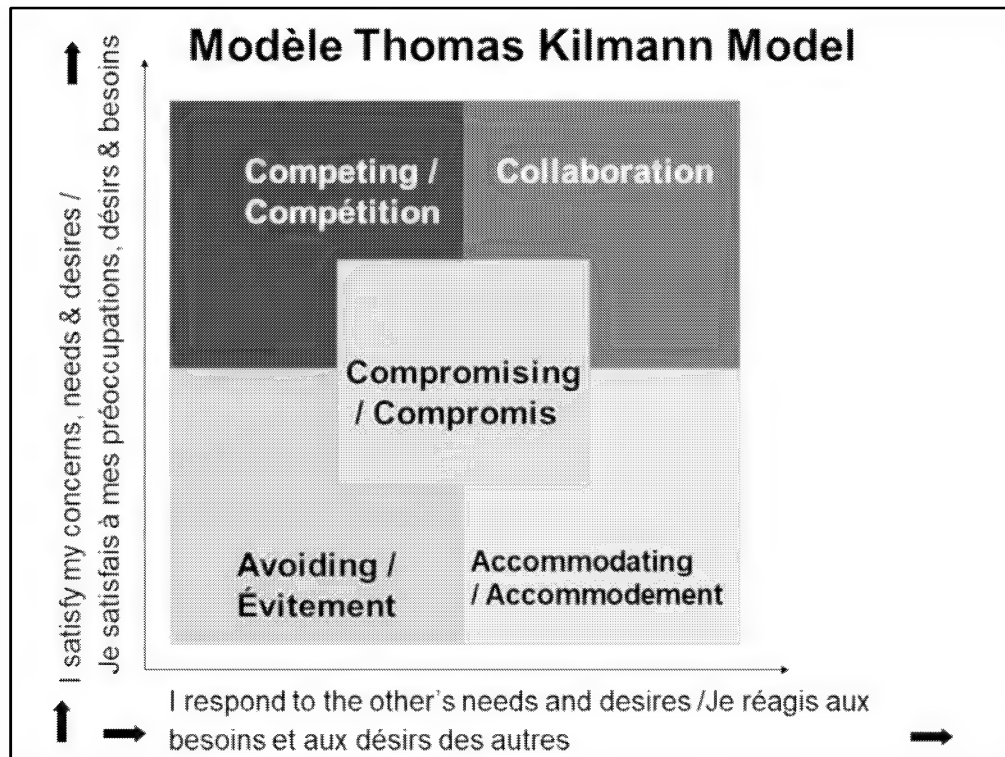
- 1) Self = awareness of your default style; and reflection on how and when it works well (your style is not who you are – it is a part of how you respond))
- 2) Developed = learning new styles and when to use them
- 3) Context = you may have a particular style that you use often, but also note that context matters – it influences the style you use.

Reflect on the three parts of the circle. . .

Being alert to your conflict style, and those of others, can help you get unstuck in difficult situations.

*****Awareness is key to moving from reaction to response*****

We encourage you to try the styles that you're not accustomed to, and see how they fit different situations. The idea is to be able to exercise each style at the appropriate moment or situation. There are no wrong/bad style. You just need to use judgement when applying either of them.

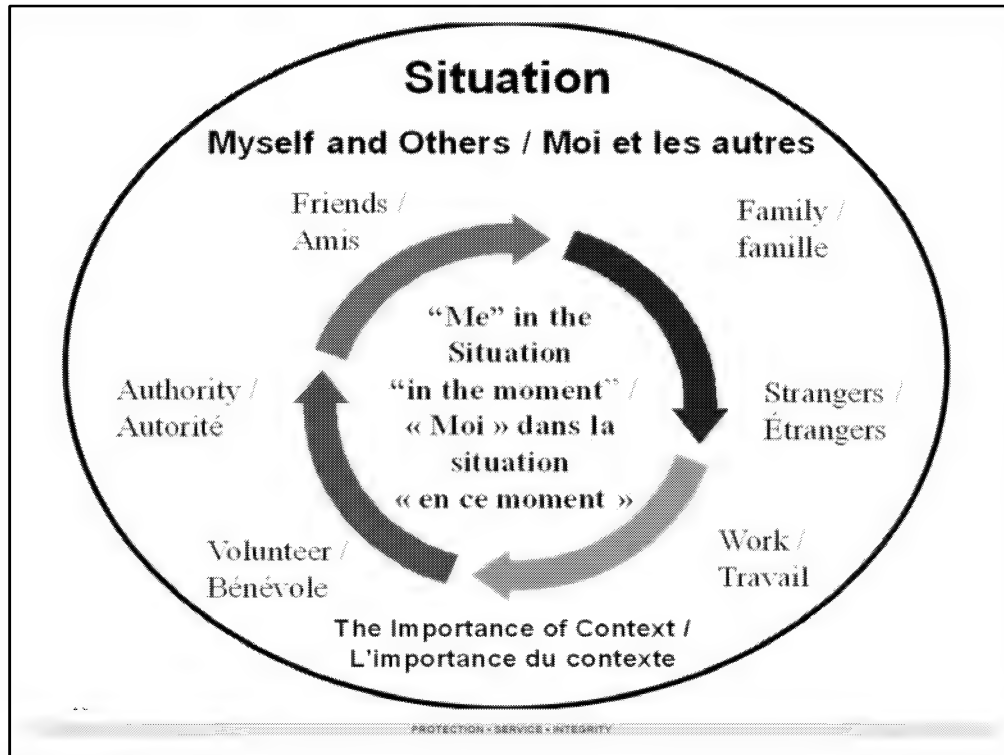


- Identifying your **"choice style"**- and seeing how you can expand to understand other styles
- Developing a comfortable **range of responses** for your interactions
- Axis / model based on **two main elements**:
 - The **first** element: how great your need is to satisfy your **own concerns**
 - This is shown by using the vertical line and arrow pointing upwards
 - The greater your need to have your needs met in a certain situation, the further up the vertical line you would place yourself
 - The **second** element: The degree to which a person tries to satisfy the **needs and concerns of others**
 - This is the horizontal line: It demonstrates where your needs lay from left to right

*****Turn to hand out – speak to styles**

Key attributes of this model:

- Presents five styles are effective if used in the appropriate situation
- Using in balanced way is important
- Recognize that each situation is unique
- Highlights that we have our habits- using one or two more often



This Schematic **emphasizes** that :

1. Each Situation is unique
2. Every environment can bring out a different response to conflict or difference
3. What is appropriate at home with one's spouse, may not work well with one's boss, colleagues, employees
4. Important to develop the ability to quickly scan the situation and decide how best to respond
5. This is a skill that can be developed – increases ability to communicate effectively

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Tips

Conflict management using TK

- ✓ Your style(s)
- ✓ The style(s) of others
- ✓ The best approach for the situation

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REMINDER ***Interaction of styles / how style links to roles / how style can change

Situation: observe the situation / how is it framing styles?

Steps to manage conflict with TKI:

1. Pay attention to styles in your group
2. Recognize preferred behavior and communication styles of yourself and others
3. Build awareness of all sides of a situation

Other tips:

1. Listen to learn
2. Use “I” statements to share your perspective
3. Be curious / challenge assumptions
4. Confirm agreement / demonstrate that you have heard others



Participants will have completed the questionnaire before hand and will have brought their scores to you at the beginning of the class in order for you to transfer results on your flipchart.

Show results and take a few minutes to ask participants if they are surprised by those results.

Distribute information documents (**sheets #12-a, #12-b, #12-c, #12-d**)

There is also ``Personal Communication Style and Conflict Management`` (**sheet #13**) which links the two styles and explains how they tend to behave in conflict situations.

BREAK?

BEFORE GOING TO THE NEXT SLIDE, ASK: ``Now that we are a bit more selfaware and know that how we react will affect a situation or another person in a conflict situation, let us look at : What is feedback``.

ANYONE? Ask what they think it is.

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GIVING AND RECEIVING FEEDBACK

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What is Feedback: Definitions and Basic Principles

- Feedback is the act of telling someone something that you want them to be aware of
- Feedback can be spontaneous or planned

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1. Feedback is the act of telling someone something that you want them to be aware of. This also means that your motivation for giving feedback can be for your benefit, for their benefit, or for both.
2. Feedback can be spontaneous. This means that we may give or receive feedback at any time without any forewarning. Typically this type of feedback is not specifically asked for. Technically speaking, any time we react or respond to something we are giving feedback. Examples: When we tell someone in passing that we like what they are wearing; when we express shock and outrage at the high price of the cell phone bill.
3. Planned feedback is more deliberate and structured. Required feedback means that a decision has been made to let someone know something specific. Examples: a performance review; comments on a draft document

When would you want to give feedback to others? Brainstorm with large group.

What would be the characteristics of effective feedback? Your choice for this one: in small teams and debrief in larger group OR as a large group and you record on flip chart.

Then go to next slide and compare answers.

Characteristics of Effective Feedback

- Specific
- Timely
- Relevant
- Clear
- Reinforces desired behaviour
- Provides useful information
- Promotes understanding

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1. Compare the answers from the brainstorm you put on the flipchart
2. Knowing what makes feedback effective is an important component of giving and receiving feedback – if feedback is too general, too late, etc. it has limited value

What is specific? Ex. Good job!

Timely? If something happens in June, is mid-year review in Oct. timely?

Relevant – I call a team meeting to remind all that they need to be at work on time because *one* employee is frequently late – is this relevant?

Clear

Reinforces desired behaviour – why is this important? 3-1 ratio, because brains are hard-wired to pay more attention to negative, bank of good will

Useful info... like what? Ex. all signatures must be in blue ink

Promotes understanding – how will you know if they understand?

3. Now that we know what effective feedback looks and sounds like, we can move on to the process of giving and receiving feedback.

Model for Giving/Receiving Feedback

- A model and accompanying tool have been developed to assist with the giving and receiving of feedback
- When feedback is given/received well, it builds trust, enhances relationships, and increases productivity

QUICK ACTIVITY

1. Quickly, give a nicely folded color sheet (that you would have prepared earlier) to a couple of participants and some crumpled ones that you will ``throw`` to others.
 - Ask:
 - Which one is more likely to be open to receiving/acknowledging my message?
 - What point am I trying to get across?
2. You have ten minutes for this section
3. Explain how the tool came to be (i.e. identifying of need for it; focus group; consultation, etc.)
4. Hand out tool (**sheet #9**) to participants, give them a few minutes to read through it
5. Ask if there are any questions at this point, when ready proceed to exercises on the "how"
6. Tell participants that they are now going to learn tips that will help when giving feedback, and that they will all have an opportunity to apply this process to a feedback conversation before the end of the course.

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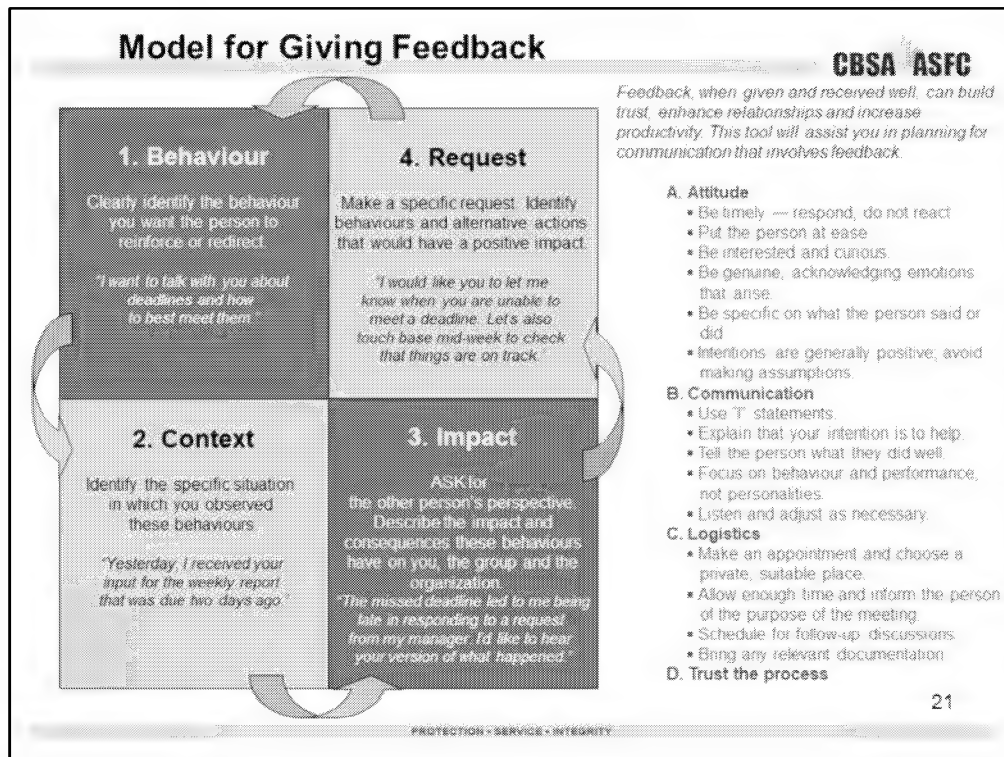
Giving Feedback

- Behaviour
- Context
- Impact
- Request

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Explain each of the steps in giving feedback using the next slide (participants should have a handout in their port-folio).



Explain steps with example on slide

Any questions?

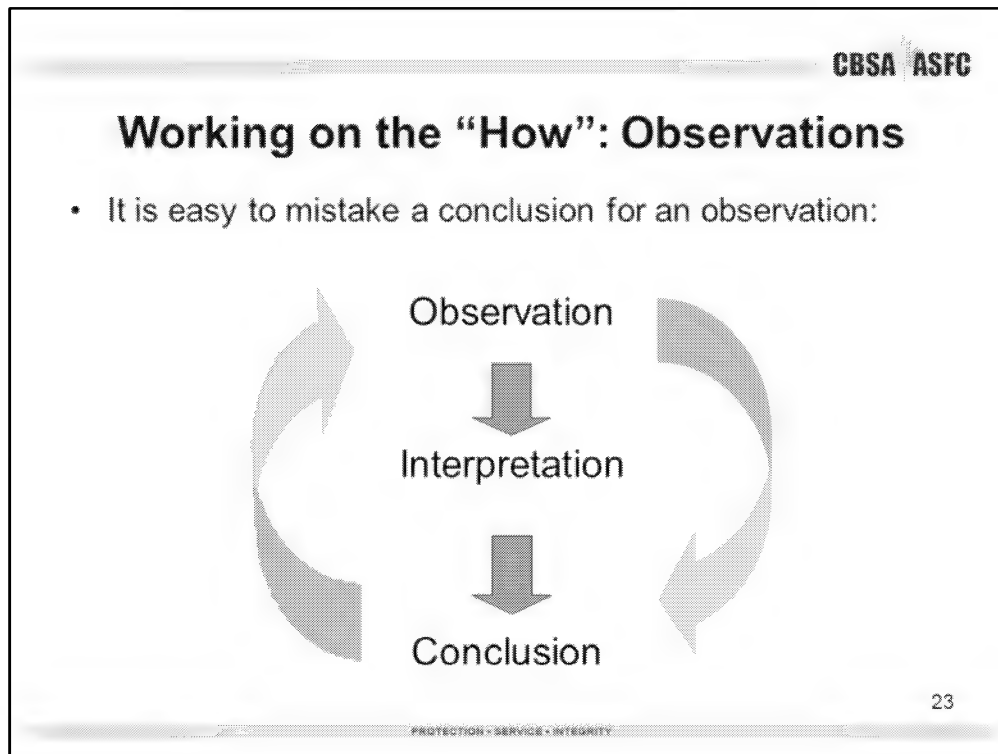
Working on the “How”: Attitude

- Be aware of your positive intention
- Think about how you want the other person to perceive you
- Sincerity is key
- What you are thinking will affect what you are saying and how you say it...

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1. We will now work on some of the tips that address the part that seems to have most impact on whether feedback is received well – the “HOW”.
2. Ask: If I go into a conversation thinking “this person is such an idiot. I can’t believe they think they can get away with...(cutting me off in a meeting)... I’m going to show them they can’t walk all over me...” how do you think I’m going to behave (tone, body language, ...)? Is this going to be a productive conversation?
3. Lead participants through the activity “The connection between attitude and non-verbal” (**Sheet #5**) and debrief.
 - What did you notice (body language/tone)?
 - What had greatest impact – body language/tone or words?
 - How was it trying to change from angry/tense to positive welcoming?
 - What does this mean for someone preparing for a difficult conversation?
4. The first part of the “how” is the attitude that you bring to the conversation. If you are there with an attitude of disgust or exasperation, the person receiving it will sense that and probably get defensive. Similarly, if you go into the conversation with an attitude of wanting to help, to share information for the other person’s best interest, they will also sense that and be more likely to listen to what you are saying.



- Part of the feedback process requires us to describe behaviours – to provide specific observations to the receiver. Being able to separate observations from our conclusions – to realize how we are interpreting information – is a valuable skill in providing effective feedback.
- Take 10 minutes for this activity, including debrief.
- Activity: Pantomime**
- To practice, lead the participants through a quick activity. Tell the group you will do something in front of the room for about 5 seconds, and then they should write down what they observed.
- Advise the group when you are starting your pantomime, and when you have stopped. As a pantomime, you can look up, roll eyes, tap your foot, put hand on hips, look at a watch - it doesn't matter but try to do some gestures that will lead participants to jump to a conclusion (ie, « you are impatient » when what you did was « tap your foot, sigh and look at your watch »)
- Ask each person to read what they wrote out loud. Note that there is a variety of responses even if everyone was watching the same thing, and how many people added their own interpretation to the observation – in fact, shared a conclusion.
- Debrief the activity explaining how it is very easy to go directly from observation to conclusion, without even being aware that we are adding an interpretation or meaning to the data. (slide is animated)
- ASK: Checking in on their comprehension, ask why is it so important to avoid judgement and conclusions when presenting observations in a feedback conversation?

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Receiving Feedback

- Listen
- Summarize
- Clarify
- Respond

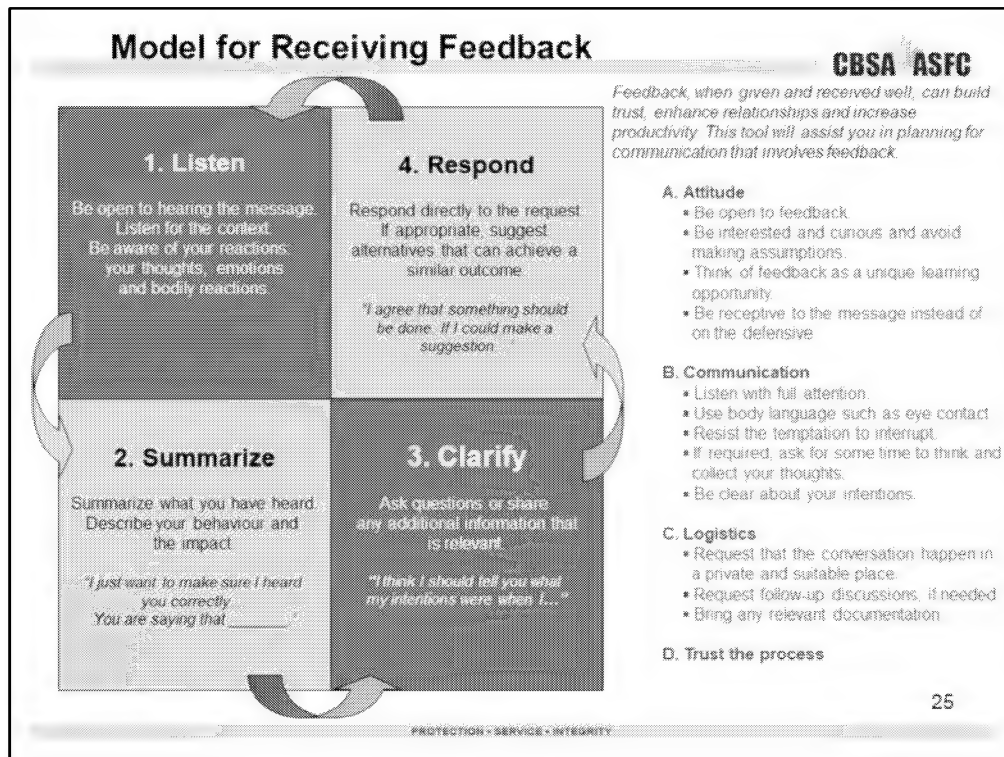
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Ask the following questions first:

- How is receiving feedback (how to) so important?
- Does anyone struggle with receiving feedback?
- Why?
- What do you find difficult when receiving feedback?
- What makes it hard?
- What could make it better/easier?

Then: Go to the next slide and explain each of the steps in receiving feedback with an example, and note that if the person receiving feedback has not been trained in this course, it is likely that the person giving feedback will want to guide the person receiving feedback through these steps (ie, by asking the person receiving to summarize what they heard, for example).



Explain the steps by using the included example

Working on the “How”: Listening

- Listening well is as important as expressing yourself well
- Active listening promotes understanding, clarity and safety
- Summarize, ask questions, leave space for the other person to talk...

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1. You have 10 minutes for this **LISTENING ACTIVITY**:
2. Practicing Listening: Have participants divide into groups of 3 or 4 people, and give handout **(sheet #6)**. Each group needs someone to volunteer as the « speaker » - someone who will talk to 1 to 2 minutes about something they are passionate about. The other people will each have a separate role – one listens for emotions, one listens for facts, one notes non-verbal (if only 3 people have one speaker, one listening for facts and one listening for emotions). Only the speaker speaks – the others are instructed to stay silent.
3. Once the speaker has finished talking (facilitator call a stop), have both listeners summarize what they heard, and then the observer summarize what they noticed in terms of body language.
4. Debrief in plenary. Ask the speakers - Where was the best rapport? Who did they feel was really « listening »? How hard was it to talk when the person listening wasn't saying anything back. For the listeners – what made it easier or harder to listen for one thing? Where was their comfort zone? For the observers – What did they notice in terms of non-verbal? Tone of voice? Body positions? Minimal encouragers (nods, mhmms, etc)?
5. Key learning is that there is more than one level of listening, and that practicing good listening skills will assist in having effective feedback conversations. And listening doesn't mean preparing your answer right away – it means really trying to understand what the other person is saying.

Opening the Feedback Conversation

- Prepare a concise statement about what it is you want to provide feedback on
- Describe the topic in a clear and neutral statement (this sets the tone)
- Provide a specific description of the behaviour in question and the context

Example: *I want to talk to you about leave requests. Last Tuesday, you were away from the office but I have not yet received a leave request.*

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1. You have 15 minutes for this activity.
2. Going back to the model, this is the first two steps – setting a topic for the conversation and then providing more specific context
3. Have the participants work in pairs or small groups to complete the handout “Opening the feedback conversation” (**sheet #7**)
4. Debrief by hearing an example from each group (let them choose which one they want to share). Ask for reactions about tone or other aspects of the opening statements and provide feedback as appropriate.

For the next step, if the facilitator is alone, ask for a volunteer from the participants to help with the role-play after the break. You can show them the script if they want – but you can stress all they need to do is sit there and listen to you since you will be doing all of the talking.

Practical Exercise

Either in groups or in pairs...

- Watch demo
- Pick from which perspective you want to deliver the feedback (as the Josephine's manager; her peer; or her employee, Adelaide)
- Use the worksheet and prepare feedback for the other person
- Deliver the feedback

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Decide how your group wants to deliver the feedback

Observers be prepared to provide specific, positive feedback to other groups upon completion

1. The facilitator delivers the demo (**sheet #8**) and the groups has 15 minutes to prepare their feedback from their chosen perspective. The facilitator takes on role of Josephine (the supervisor) and asks a volunteer to take on the role of Adelaide (employee). The facilitator will read the text as Josephine while the volunteer receives it as Adelaide.
2. Ask everyone to watch the demo and to be very observant of both ``actors`` (paralanguage and non-verbal) since they will be using this ``scenario`` to practice the feedback model and give feedback to Josephine. Conduct demo (1 minute)
3. Prep time (14 minutes) Ask participants to choose what role they want to do when they give the feedback – ie, they can be Josephine's manger, Josephine's peer, or Adelaide (the employee).
4. Separate into groups according to the role they want to adopt when giving feedback. If all want to use the same perspective, divide into groups of 3 to 4 people.
5. Hand out the « Feedback preparation worksheet - Model » (**sheet #9**) and ask groups to prepare feedback for Josephine from the perspective they have chosen (i.e. manager, peer or employee). Groups also decide how they want to do this – ie, is one person going to do the whole conversation? Do they want to switch off? Have a life-line? Emphasize that this is to learn and that they will be able to tell the facilitator (who will be receiving feedback as Josephine) whether they want a high level of difficulty or not (in terms of how Josephine reacts).
6. Assign observer tasks and explain the sequence for the practices (5 minutes)
7. If time allows, conduct three practice sessions of 10 minutes each (comprised of 5 minutes for a practice then 5 min debrief amongst themselves) based on the different perspective (i.e. manager, peer or employee). Ensure observers provide positive feedback each time.
8. Conduct large group debrief in plenary. Any questions?

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DIFFICULT CONVERSATIONS

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Difficult Conversation

- Let's practice scenarios in plenary
 - Scenario Red/Blue
 - Scenario Green/Smith
 - Scenario White/Brown

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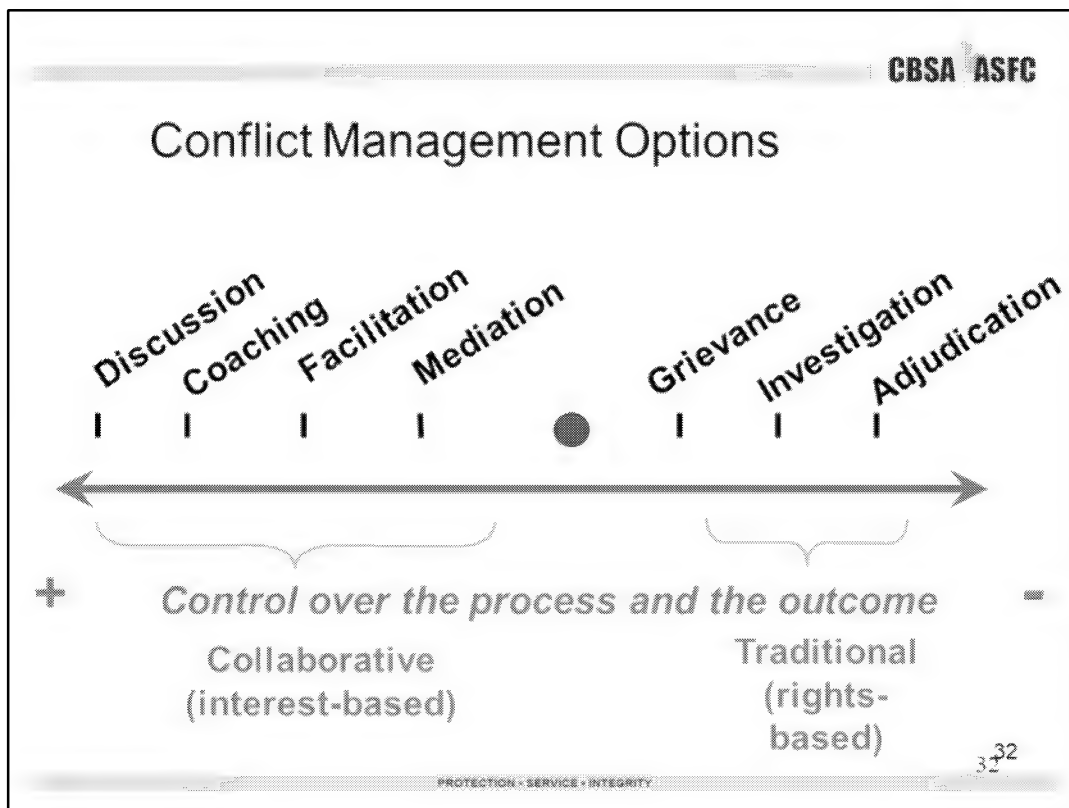
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For this activity, preferably the sitting disposition for the participants would be a ``U`` shape. Hopefully, you will have some time to do at least 2 scenarios. If you can do the 3, that is even better. The object of doing it in plenary is so that everyone can benefit from the other's experience (or inexperience!)

1. Divide the group in two, half on the left, half on the right, facing each other.
2. Inform the group on the left that they will take on the role of Person ``A``.
3. Inform the group on the right that they will therefore take on the role of Person ``B``.
4. Distribute the first scenario. Whichever you want, it does not matter. Just make sure you have the corresponding ``A`` and ``B`` scenarios?
5. Give everyone a few minutes to read their part. If some are done before others, ask them to keep silent until the exercise starts.
6. Once they are done reading, determine at which end of each group you will start the play.
7. Once the first exchange has been done between the two first A and B, the second exchange will belong to the next persons playing A and B.
8. If at the end, everybody has had their turn and the issue has still not been dealt with, start anew at the beginning and continue until the participants (and yourself) are satisfied with the results.
9. If there is time, do the same with the second scenario. This time, start at the opposite end.
10. If there is still time for the third and the group is open to it, do the third scenario
11. You can debrief after each one.
12. You can also distribute an aid ``Diffusing Defensiveness`` (**sheet #14**) which should help them address issues in a supportive way as oppose to create defensiveness on the other's part.



The next slides should not take a long time. They are there to quickly describe ICMS, what we offer at the CBSA's ICMS, and every one's roles and responsibilities.



Some Examples of when to use Rights Based resolution Mechanisms

- Rights Based is most appropriate when:
 - Laws, policies, collective or global agreements are being challenged
 - Need to set precedent
 - Fear of violence
 - One of the parties is seeking retribution

“IF IN DOUBT CALL US TO DISCUSS”

Some Examples of when to Use the ICMS Services

- ICMS is most appropriate when:
 - Individuals are willing to address the issue
 - Clients want an informal, flexible process
 - Parties have the authority to settle/decide
 - Interest in maintaining the relationship
 - Parties want to deal with the situation sooner rather than later at the lowest level

Services provided from the CBSA's ICMS

- Awareness Sessions
- Training Sessions
 - In class
 - On line
- Consultation
- Facilitated Discussion
- Conflict Coaching
- Mediation
- Group process

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Roles and Responsibilities

MANAGEMENT

- **Ensure employees are aware of ICMS**
- **Understand what options are available**
- **Act quickly to resolve conflicts**

UNION

- **Participate in the process as requested by their members**
- **Refer employees to ICMS when appropriate**
- **Understand what options are available**

EMPLOYEE

- **Express their concerns**
- **Help to search for solutions**
- **Involve their union representatives as they see fit**

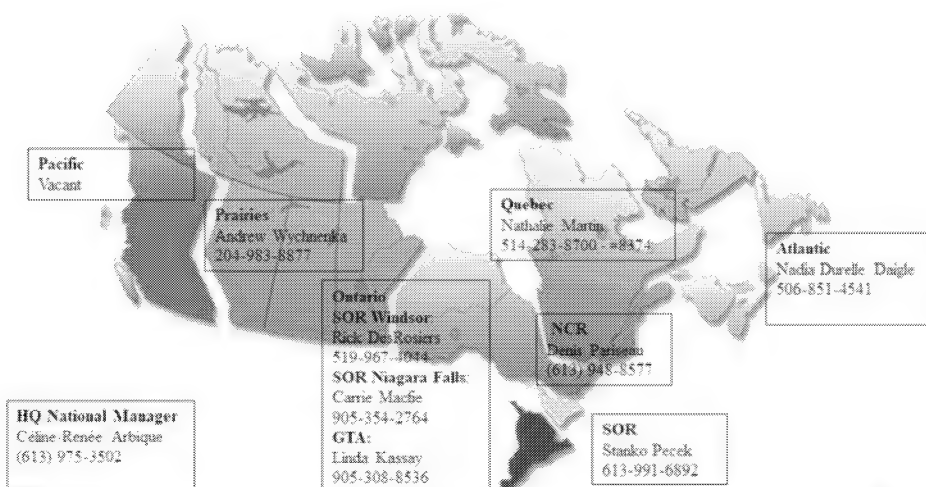
ICMS Role and Responsibilities

During the delivery of an informal process, the Neutral Party will:

- Remain impartial;
- Assist parties to listen, communicate and move through the process
- Assist the parties to clarify the important issues and interests
- Shift the focus from the past to the future, from positions to interests, from wants to needs
- Encourage a respectful, non-confrontational exchange between the parties
- Assist the parties to finalize their Terms of Agreement if applicable

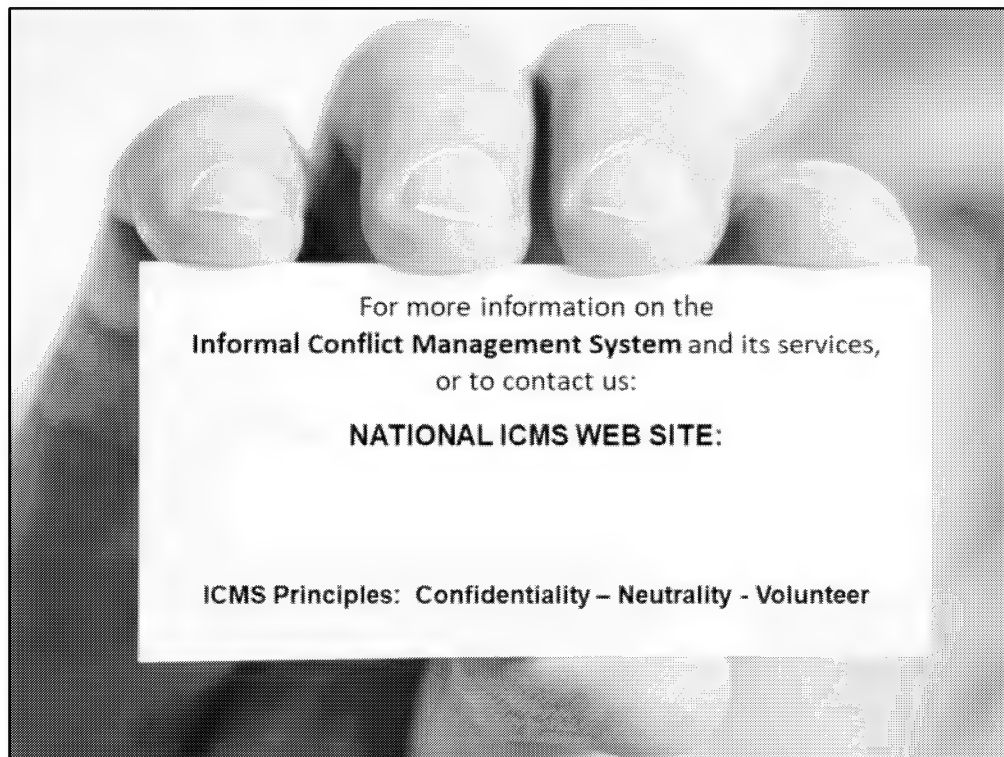
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Regional ICMS Advisor-Coordimators



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For more information on the
Informal Conflict Management System and its services,
or to contact us:

NATIONAL ICMS WEB SITE:

ICMS Principles: Confidentiality – Neutrality - Volunteer

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**“No problem can be solved
from the same level of
consciousness that created it”
Albert Einstein**

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Considerations in Effective Leadership

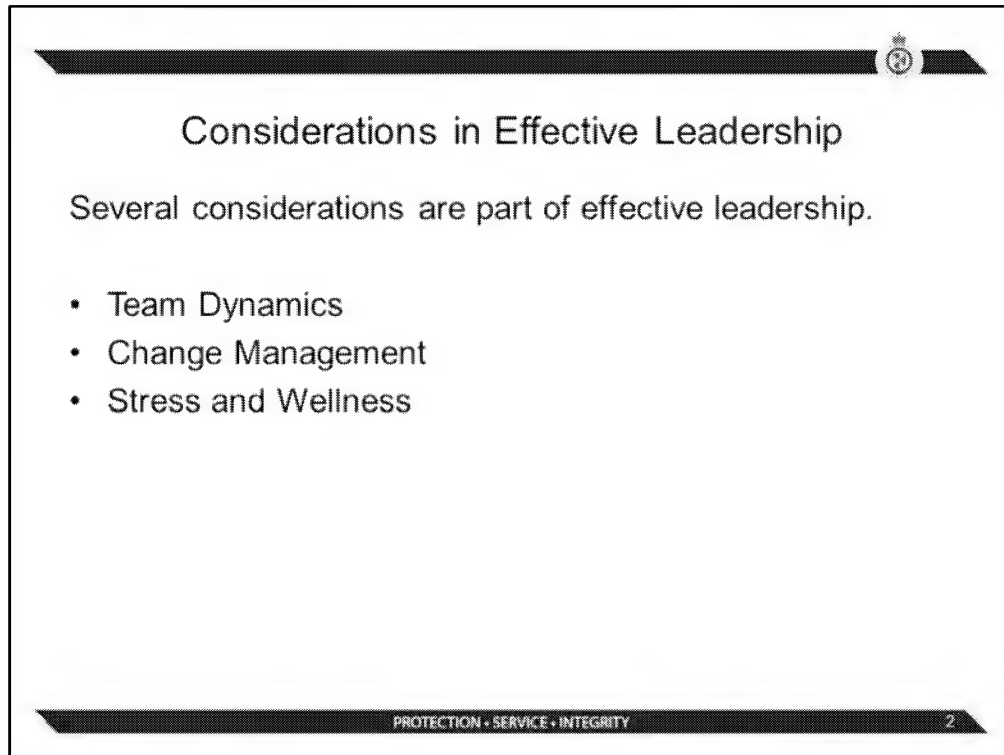
Leading at the Frontline



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Canada



Considerations in Effective Leadership

Several considerations are part of effective leadership.

- Team Dynamics
- Change Management
- Stress and Wellness

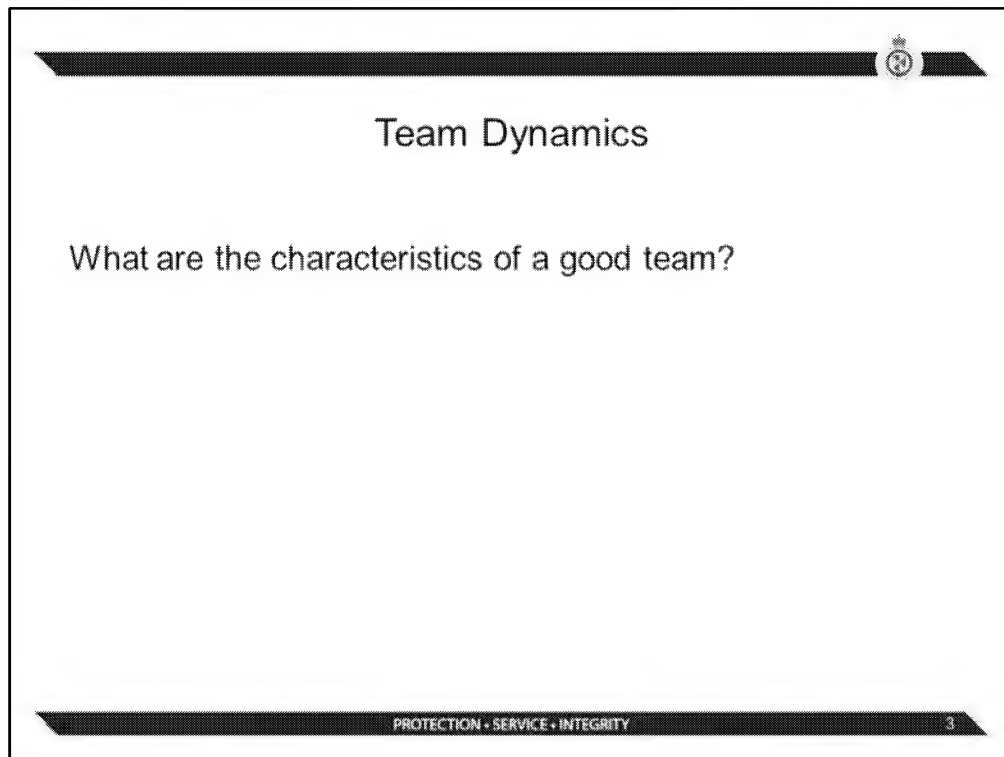
PROTECTION • SERVICE • INTEGRITY 2

When leading a team, you will be responsible to look at a number of different considerations that can impact on you and on your team's function. This morning we are going to look at a few of the considerations as they influence your leadership and work.

We are going to be discussing and working on some exercises related to the following topics.


Briefly highlight the focus of each of the topics:

- Team Dynamics – the make up of a number of different personalities, with different priorities, can play a role.
- Change Management – what kinds of changes have you seen and experienced and how do you lead through them. What might you see and have to deal with?
- Stress Management and Wellness - how do you recognize the signs of stress and how do you keep yourself well.



As the leader of the team, it is important to have a good understanding of team dynamics.

Ask the participants to consider the question and discuss at their tables. Commence discussions and ask them to share some of their thoughts.



Stages of Team Development


Forming – transition from individuals to group

Storming- emotions and power struggles may arise –
manager must manage

Norming – collaboration, roles are clear,

Performing- goal achievement is focus rather than methods

Adjourning- task is completed and members see success

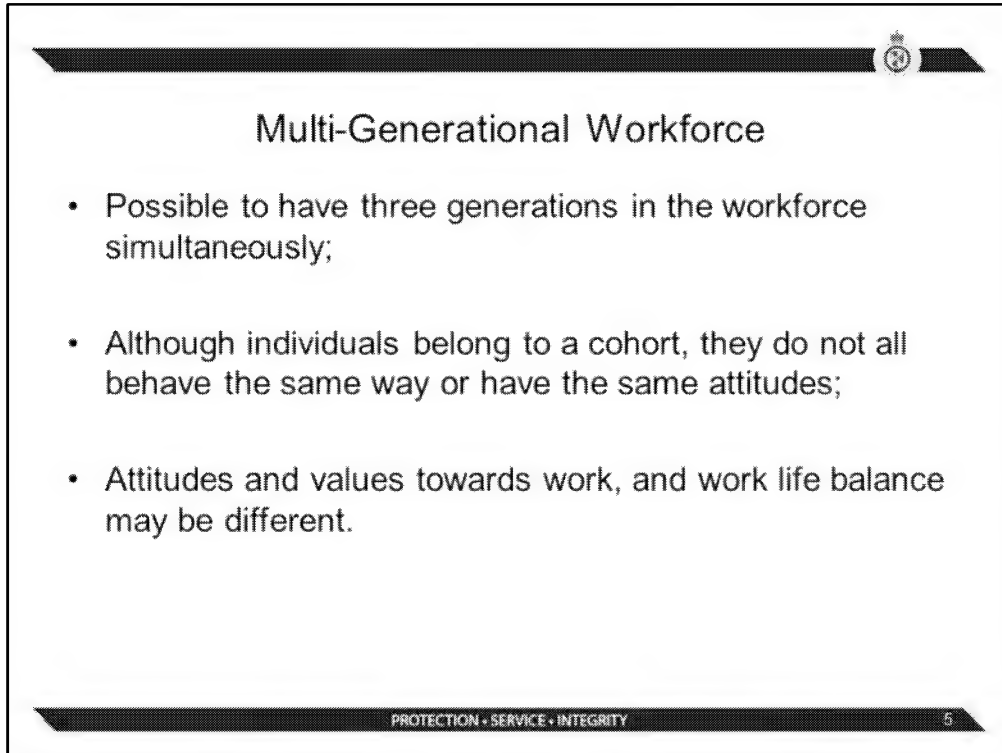


PROTECTION • SERVICE • INTEGRITY

Refer to the exercise that are part of the section 1.

Examine the five stages of team development.

Ask the participants to read through the sections in their readings.




Multi-Generational Workforce

- Possible to have three generations in the workforce simultaneously;
- Although individuals belong to a cohort, they do not all behave the same way or have the same attitudes;
- Attitudes and values towards work, and work life balance may be different.

PROTECTION • SERVICE • INTEGRITY 5

Questions to prompt discussion as you go through the slide contents and the notes in the manual.

1. Which generations are you likely to see in the workforce at CBSA?
2. Are you comfortable giving direction to someone who is older and has perhaps more than twenty years of experience?
3. Do you share the same values as your employees about work life balance? How have things evolved? "My time is my own or I want the OT."
4. Do you find yourself likely to stereotype? What is your definition of an older worker? or have you said, Are they really that young?



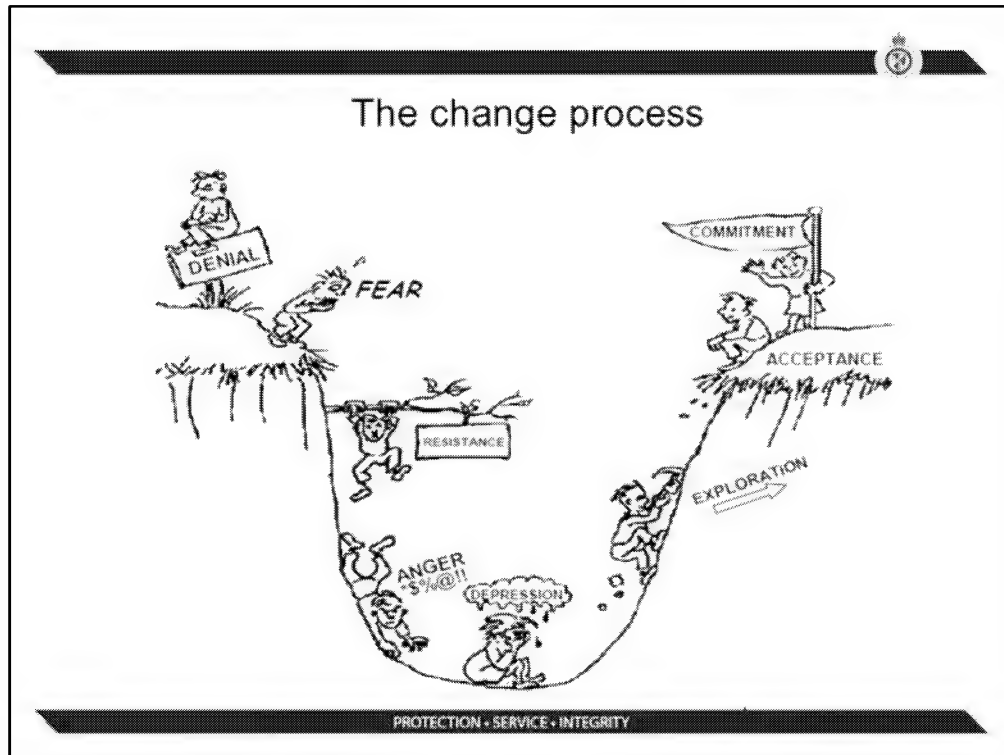
Change Management

- Change vs Transition
- Change focuses on the outcome it will produce.
- Transition focuses on the internal experience and the mental process people go through when coming to terms with a new situation.

PROTECTION • SERVICE • INTEGRITY

6

We are going to look at change as a factor in our workplace.
Change and transition have two different meanings as indicated.



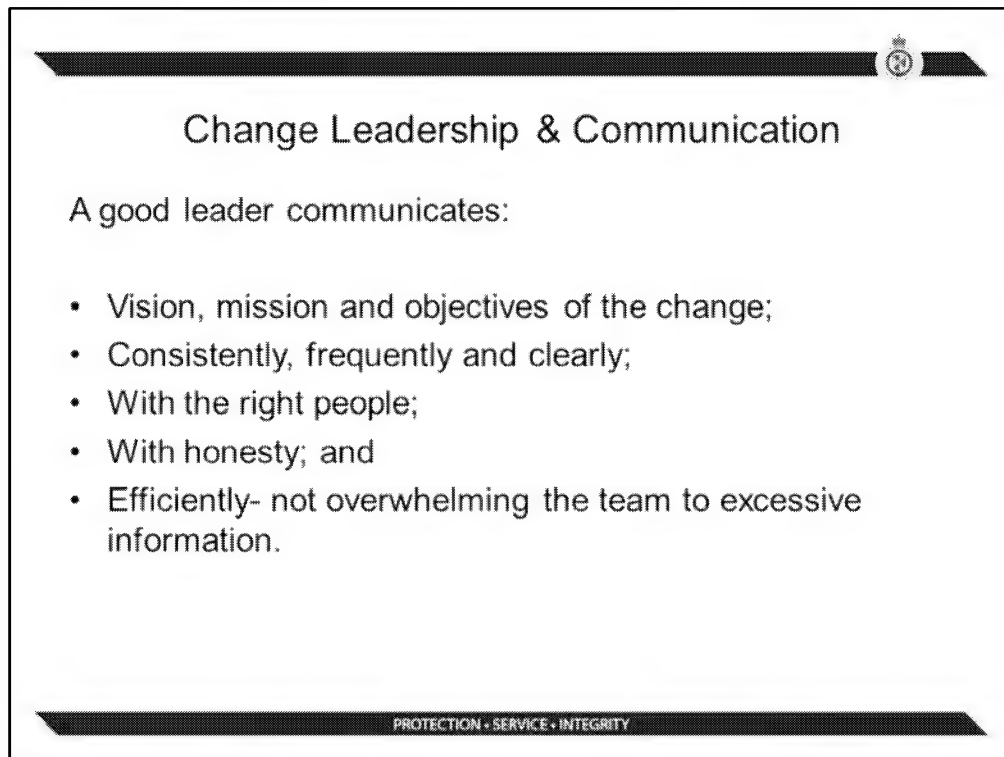
As employees in the government, we have experienced change frequently. There are new governments with new mandates, new departments, and new names of departments, new structures within departments or branches.

As employees we have probably witnessed all of the feelings that are described here in the slide. They may have been felt by co-workers, family members and your own team members or we ourselves.

As a leader, what are you likely to experience when your team experiences changes and what can you do to mitigate these emotions.

Conduct Exercise 4

In preparation of the next slide, present that generally one of your best tools is to be an effective communicator.



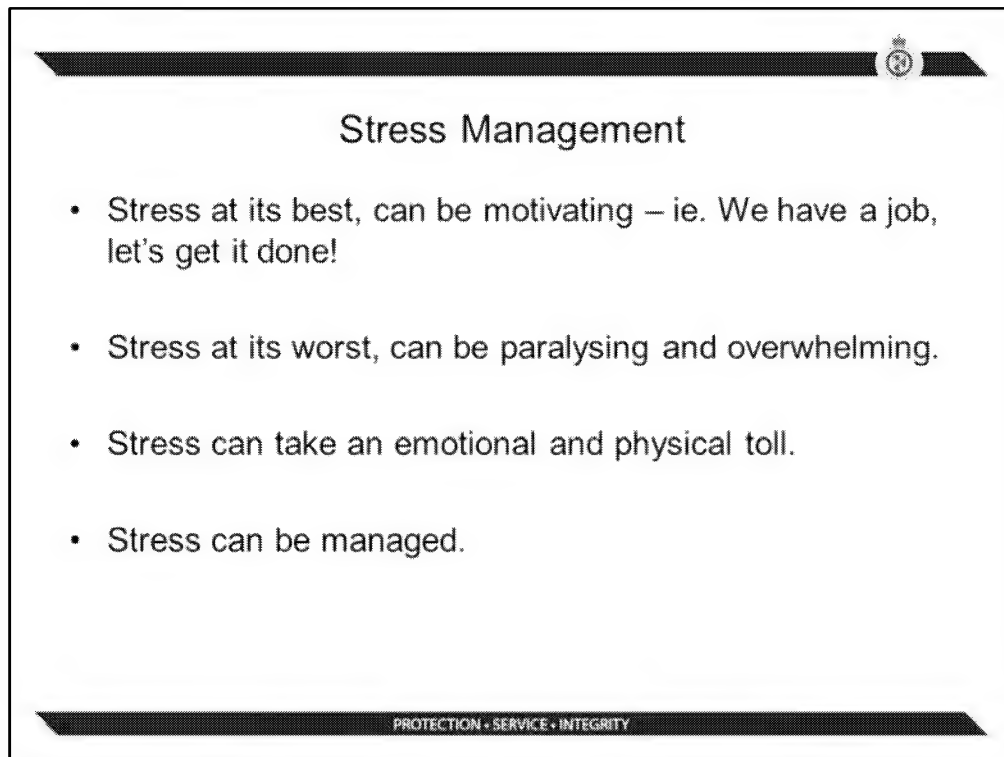
Change Leadership & Communication

A good leader communicates:

- Vision, mission and objectives of the change;
- Consistently, frequently and clearly;
- With the right people;
- With honesty; and
- Efficiently- not overwhelming the team to excessive information.

PROTECTION • SERVICE • INTEGRITY

Present to the participants the key elements that contribute to the communication process.
Your role is key here.
Reiterate the “what and how” of the leader’s communication.



Stress Management

- Stress at its best, can be motivating – ie. We have a job, let's get it done!
- Stress at its worst, can be paralysing and overwhelming.
- Stress can take an emotional and physical toll.
- Stress can be managed.

PROTECTION • SERVICE • INTEGRITY

Recap the previous section.


Explain what is described in the graphic “How humans react to stress” about our reaction to stress.

Ensure that the participants are left with the sense that stress can be navigated. Managers can model and encourage effective stress management techniques for both their teams and themselves.




Well-being

- Health and well-being go beyond the absence of illness;
- The individual plays a role where they can be proactive in their own well-being;
- As individuals, we have the ability to make healthy choices that contribute to our well-being;



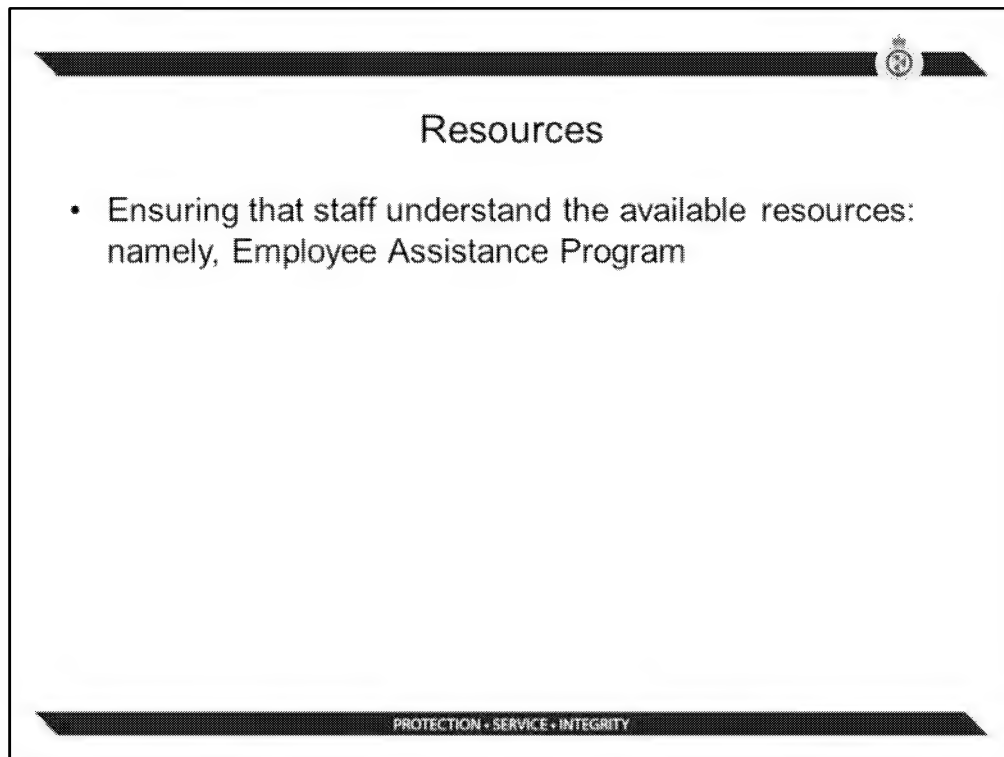
Role of the Leader

- Helping to create a workplace that is less stressful;
- Fostering and encouraging well-being;
- Watching and noticing signs so support can be provided;
- Recognizing that you will often have conflicting demands; therefore, stress management and well-being is important for you also.



PROTECTION • SERVICE • INTEGRITY

Using the reading, lead the discussion about the role of the leader in their organization in respect of managing stress; recognizing well-being as an attainable goal, what they should notice. Finally, state that they have to remember that they must also take care of themselves.




Show the atlas page related to the Employee Assistance Program

Perhaps show some of the resources on the page including The Stress Handbook



Back to the Beginning



Purpose and Expectations Revisited

The purpose of this workshop is to prepare the frontline supervisors and managers with the knowledge and skills needed in respect to people management.

I'm looking for information about

Or

I'm interested in learning about

Or

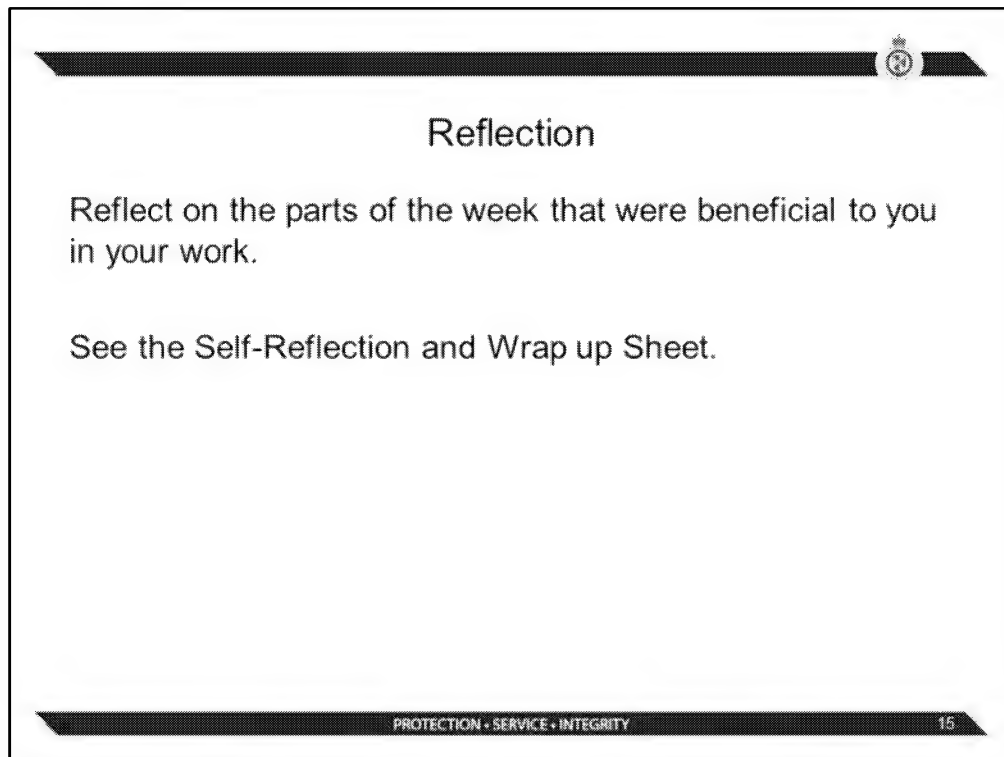
This workshop would be helpful if

PROTECTION • SERVICE • INTEGRITY14

Close the session by recapping the topics that were discussed this week.

Present the participants with the Purpose and Expectations that were identified in Day 1

- Re-read the purpose of the workshop again.
- Ask participants to pull out the piece of paper where they identified their expectations and re-read it.
- Ask someone to state their thoughts about the purpose and expectations. They should comment about whether they feel that topics that were presented provided them with the knowledge and skills needed at work.



Now that we are at the end of the workshop, I want to spend some time reflecting on the week and the topics that were beneficial to you.

Distribute the handout Self- Reflection and Wrap Up Sheet. Ask the participants to fill in a few statements.

Suggest the following:

When you return to work, I would like you to apply one or two of the skills and knowledge that you have learned during the training.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #1

Rita Sloan (AS-02) calls in early Monday morning and informs you that her child is sick with a high fever. Rita advises you that she will not be reporting for work.

Since the beginning of the fiscal year, she has taken 4.5 days of leave with pay for family related responsibilities. 3.5 of the days were taken immediately before or immediately after days of rest. Rita enters her leave in the system when she reports for work on December 29th.

What actions would you take? Provide the references to justify your decision.

Answer:

Article 44 – leave with pay for family-related responsibilities of the PA collective agreement provides for leave with pay for family related responsibilities.

44.03 Subject to clause 44.02, the Employer shall grant the employee leave with pay under the following circumstances:

- b. to provide for the immediate and temporary care of a sick member of the employee's family and to provide the employee with time to make alternative care arrangements where the illness is of a longer duration;

In this case, the employee has taken 4.5 days of FRR leave since the beginning of the fiscal year, for a total of 33.75 hours. The total leave that may be granted under article 44 shall not exceed 37.5 hours in a fiscal year. As a result, the employee can only be granted 3.75 hours of FRR under **article 44.03 (b)**. The remaining 3.75 hours could be covered with any banked vacation leave or compensatory time the employee may have.

The fact that 3.5 out of 4.5 days of FRR leave were taken immediately before or immediately after the employee's days of rest may be an indication that the employee is abusing FRR leave. Unless there is clear evidence of leave abuse, it would be difficult to prove as the employee is not required to provide documentation to justify a FRR leave request. Denying the FRR leave or the remaining 3.75 hours of vacation or compensatory time could be construed as prima facie discrimination based on a prohibited ground of discrimination (family status, sex, marital status).

It is not relevant if other employees were denied vacation or compensatory time for that day as other employees' leave requests were not related to a need to take leave for family related responsibilities.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #2

One of your most dedicated FB-03 Border Services Officers submits a request for court leave in order to provide "emotional support" to her 26 year old daughter who is facing criminal charges.

Would you grant the request and why?

Answer:

Court Leave cannot be granted under these circumstances.

The FB collective agreement clearly defines the circumstances under which **article 47 - Court Leave** may be granted:

- a. to be available for jury selection;
- b. to serve on a jury;
- c. by subpoena, summons or other legal instrument to attend as a witness in ...

Therefore, court leave cannot be granted to enable an employee to emotionally support her child. Court Leave with pay shall be granted for the period of time the employee (not a family member) is compelled by subpoena, summons or other legal instrument, to attend as a witness in any proceedings held:

- i. in or under the authority of a court of justice or before a grand jury;
- ii. before a court, judge, justice, magistrate or coroner;
- iii. before the Senate or House of Commons of Canada or a committee of the Senate or House of Commons otherwise than in the performance of the duties of the employee's position;
- iv. before a legislative council, legislative assembly or house of assembly or any committee thereof that is authorized by law to compel the attendance of witnesses before it; or
- v. before an arbitrator or umpire or a person or body of persons authorized by law to make an inquiry and to compel the attendance of witnesses before it.

Article 41- Leave Without Pay for the Care of Family is not an option as it must be requested four (4) weeks in advance and shall be for a minimum period of three (3) weeks.

Management may want to consider granting any banked vacation or compensatory time the employee may have so that the employee can attend court with her daughter.

Management may want to remind the employee of the availability of the Employee Assistance Program (EAP) as well as Mental Health and Well-Being services.

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Reviewed by LRCD March 2019

Case Study #3

An employee (CR-04) finds out on Friday afternoon that her step-grandfather has passed away and requests bereavement leave. The employee lives in the same city as her step-grandfather. The funeral is scheduled to take place the following Monday.

Should management grant the request? Please explain.

Answer:

Article 2 of the PA collective agreement defines family as

“family” (famille)
except where otherwise specified in this agreement, means father, mother (or alternatively stepfather, stepmother, or foster parent), brother, sister, step-brother, step-sister, spouse (including common-law partner spouse resident with the employee), child (including child of common-law partner), stepchild, foster child or ward of the employee, grandchild, father-in-law, mother-in-law, daughter-in-law, son-in-law, the employee’s grandparents and relative permanently residing in the employee’s household or with whom the employee permanently resides.

Based on the above definition of family, the request cannot be granted because “step-grandfather” is not included in the definition of family.

Article 47.04 cannot be used to justify a request for bereavement leave for a step-grandparent. It can only be used to extend bereavement leave for a period greater than and/or in a manner different than provided.

47.04 It is recognized by the parties that circumstances which call for leave in respect of bereavement are based on individual circumstances. On request, the deputy head of a department may, after considering the particular circumstances involved, grant leave with pay for a period greater than and/or in a manner different than that provided for in clauses 47.01 and 47.02.

Management may want to consider granting any banked vacation leave or compensatory time the employee may have so that she can attend the funeral.

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Reviewed by LRCD March 2019

Case Study #4

A new FB employee has just been transferred to your team. You note that he is very impatient with clients. Upon reviewing his file, you find that the employee has refused to take any holidays over the past 3 years (total of 45 vacation days). You further note that nothing has been done to address the issue. You feel that the employee's performance would improve if he took a break from the pressures of work.

How would you handle the situation? Support your decision by referencing the relevant authorities of the collective agreement.

Answer:

Have a discussion with the employee to better understand them and their particular situation (i.e. potential reasons for not taking leave, probe upcoming plans for taking leave [planned vacation/leave of absence for other reasons]...etc.).

- Approach the situation by indicating that management has not received a leave request (for the summer leave period, between June 1 and September 30, and for the winter holiday season leave period, from December 1 to March 31).
- Emphasize the importance of work-life balance and that management encourages all employees to take well-deserved time away from work..
- Vacation leave contributes to the employee's overall mental health and well-being.
- Vacation leave is time to pursue passions/hobbies, visit friends/family and places, work on a special project (home repairs/landscape) or just to relax and take it easy (clear your mind)...etc.

Under **article 34.05 (a)** of the FB collective agreement, "Employees are expected to take all their vacation leave during the vacation year in which it is earned."

- Inquire if the employee has any plans for taking leave (i.e. summer leave, winter holidays...etc.).
- Encourage the employee to take the time to seriously reflect on possible vacation plans/time away from work. Give them a reasonable timeline for submitting their request (i.e. seeing all work/vacation schedules need to be approved accordingly for the entire team [before April 15th, and on or before September 15th], need to ensure this exercise is fair, meets operational requirements...etc.).

Under **article 34.05 (c) - Vacation Scheduling**, "the Employer reserves the right to schedule an employee's vacation leave but shall make every reasonable effort:

- i. to provide an employee's vacation leave in an amount and at such time as the employee may request;
- ii. not to recall an employee to duty after the employee has proceeded on vacation leave;
- iii. not to cancel or alter a period of vacation or furlough leave which has been previously approved in writing."

Article 34.11 Carry Over and/or Liquidation of Vacation Leave - "Where, in any vacation year, an employee has not been granted all of the vacation leave credited to him or her, the unused portion of his or her vacation leave, to a maximum of two hundred and sixty-two decimal five (262.5) hours of credits, shall be carried over into the following vacation year. All vacation leave credits in excess of two hundred and sixty-two decimal five (262.5) hours shall be automatically paid in cash at his or her daily rate of pay, as calculated from the classification prescribed in his or her certificate of appointment of his or her substantive position on the last day of the vacation year."

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If it is clear that the employee will be carrying over leave credits (up to a maximum of 35 days) as a result of not taking vacation leave, the employee will be subject to a vacation leave cash-out.

- Management should emphasize that they have reviewed potential cash-out situations for all employees and will be giving all employees the opportunity to schedule their vacation leave within the current fiscal year.
- Although it is preferable that the employee schedules his/her own vacation leave, if the employee refuses to do so, management has the right to schedule vacation leave on behalf of the employee under **article 34.05 (c)**.

IMPORTANT: On February 23, 2018, TBS decided, in consultation with bargaining agents, to postpone the automatic cash-out of vacation and compensatory leave for 2018 and 2019, unless requested by the employee. The next automatic cash out date of excess hours will be, in most cases, on March 31, 2020, or as stipulated in the relevant collective agreement.

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Reviewed by LRCD March 2019

Case Study #5

John Atkins (CR-04) is a single parent who has a four year-old daughter in daycare. One Sunday evening, he receives a call from the daycare advising him that there is no heat in the building and that it will take until Thursday to make the necessary repairs. This means the daycare will be closed for the first three days of the week. When he calls on Monday, John is told that his absence is authorized and to sort out the leave code when he returns. When John returns on Thursday, he asks you if he can use article 53 - Leave With Pay for Other Reasons to cover his absence.

What type of leave would you grant John? Justify your answer using the provisions of the relevant collective agreement.

Answer:

Generally, under these circumstances, **article 53 - Leave with or without pay for other reasons** is not appropriate.

Employees should have a "backup plan" for emergency situations and should be able to arrange for alternate childcare. However, at its discretion and if the circumstances warrant it, management could grant all or part of the requested period under **article 53 – Leave With or Without Pay for Other Reasons** of the PA collective agreement, provided that

- the employee has clearly demonstrated that he made every reasonable effort to handle the situation (e.g. the employee has a backup plan in place but the backup plan failed and other attempts to make alternate arrangements also were not successful).

Childcare is a direct responsibility of the parent/employee. There is no question that the employee's absence is legitimate: the absence will be authorized and leave will be granted. The question at stake is, should the Employer pay for it?

The employee also has the following other options:

Article 44.03 (f) – Leave with pay for family-related responsibilities Subject to clause 44.02, the Employer shall grant the employee leave with pay under the following circumstances:

- f. to provide for the employee's child in the case of an unforeseeable closure of the school or daycare facility;

The total amount of FRR leave cannot exceed 37.5 hours per fiscal year.

- Should the employee not have sufficient FRR leave credits, any banked vacation or compensatory leave the employee may have could be granted.

It is not relevant if other employees were denied annual leave (vacation) or compensatory time for that day as other employees' leave requests were not related to a need to take leave for family related responsibilities.

Denying the FRR leave or vacation or compensatory time could be construed as prima facie discrimination based on a prohibited ground of discrimination (e.g. family status, sex, marital status).

Leading the Frontline for Managers – CA Case Studies – Answers

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Case Study #6

Rodney Jones (CR-05) submits a request for 2 years of leave without pay for the care of family to look after his 3-year-old son starting next Monday. This is a big problem for you because of the short notice and the fact that you had assigned several important projects to Rodney because he is very knowledgeable in the computer field. Rodney has been a CR-05 since 1985 and in your unit since 1990.

What actions would you take? Justify your actions using the collective agreement.

Answer:

Article 41.02 – Leave without pay for the care of family of the PA collective agreement outlines the conditions under which this leave type may be granted:

41.02 An employee shall be granted leave without pay for the care of family in accordance with the following conditions:

1. an employee shall notify the Employer in writing as far in advance as possible but not less than four (4) weeks in advance of the commencement date of such leave unless, because of urgent or unforeseeable circumstances, such notice cannot be given;
2. leave granted under this article shall be for a minimum period of three (3) weeks;
3. the total leave granted under this article shall not exceed five (5) years during an employee's total period of employment in the public service;
4. leave granted for a period of one (1) year or less shall be scheduled in a manner which ensures continued service delivery.

In this case, you should

- Emphasize that management/CBSA understands the importance of access to leave for the purpose of the care of family.
- Highlight all of the great contributions made by the employee over the last 27 years working within the unit.
- Ask the employee if there is an urgent or unforeseeable circumstance that prevented him from providing the minimum four (4) weeks' notice, as outlined in **article 41.02 (a)**.
- If there is no urgent or unforeseeable circumstance, remind the employee that he is required to provide a minimum of four (4) weeks notice, especially since it is for a period of two (2) years.
- Once the employee has provided the required notice, he will be able to start his leave without pay.
- Management will work with the employee to ensure all of the necessary arrangements (i.e. reassigning workload, projects, deadlines...etc.) are put into place as soon as possible.
- Management can express their appreciation for the employee's understanding and commitment for staying on at work until their workload can be appropriately reassigned.

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Reviewed by LRCD March 2019

Case Study #7

John Black (FB-03) was about to leave his residence to work his shift as a Border Services Officer at the Calgary International Airport when he discovered that his vehicle had been stolen. He called management to advise what happened and that he would not be reporting for work. His regularly scheduled shift was from 0800 to 1800.

Upon his return to work, John requests article 52 - leave with or without pay for other reasons. Would you grant this request and why?

Answer:

It would depend on the circumstances and the efforts the employee made to report for work.

Article 52.01 – Leave with or without pay for other reasons states:

52.01 At its discretion, the Employer may grant:

- a. leave with pay when circumstances not directly attributable to the employee prevent his or her reporting for duty; such leave shall not be unreasonably withheld;
- b. leave with or without pay for purposes other than those specified in this agreement.

A stolen vehicle could be considered a "circumstance not directly attributable to the employee". However, the employee must demonstrate that he has made a sincere effort to report for work, despite the unforeseen circumstance. In this case, management should examine whether it was necessary for the employee to request leave for his entire shift.

Once the employee contacted the authorities, insurance etc., management could consider the time it took to complete those tasks and grant reasonable time.

Management should also consider the following:

1. Did the employee ask a family member, friend or neighbor to drive him to work?
2. Is public transit available in the employee's neighbourhood?
3. Could the employee have reported for a portion of his shift?
4. Did the employee explore/seek any other possible means of reporting for a portion of his scheduled shift?

In this case, the employee likely was not prevented from reporting for work for his entire shift.

Note: When hearing grievances of this nature, adjudicators have consistently ruled that employees must allow ample time to address travelling difficulties in order to be back at work on time.

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Reviewed by LRCD March 2019

Case Study #8

A FB-03 employee is absent from work for the reasons identified below. The employee requests article 46 - Bereavement leave for the death of their parent.

Would you grant the request? Please explain.

Reasons

- 1. Leave without pay for the care of family**
- 2. Vacation leave**
- 3. Compressed day**

Answer:

1. Employee is on leave without pay for the care of family

NO. The employee is already on leave without pay. As per **article 33.07** of the FB collective agreement, the employee is not entitled to bereavement leave during a period of leave without pay.

33.07 An employee is not entitled to leave with pay during periods he or she is on leave without pay or under suspension.

2. Employee is on vacation leave

YES, The employee is entitled to bereavement leave during a period of paid leave such as vacation, as per **article 46.03**:

46.03 If, during a period of paid leave, an employee is bereaved in circumstances under which he or she would have been eligible for bereavement leave with pay under clauses 46.01 and 46.02, the employee shall be granted bereavement leave with pay and his or her paid leave credits shall be restored to the extent of any concurrent bereavement leave with pay granted.

As a result, the employee's vacation leave will be changed to bereavement leave for the eligible period granted under article 46.03 - bereavement leave.

3. Employee is on their compressed day off

NO. **Article 2** defines "leave" as an authorized absence from duty by an employee during his or her regular or normal hours of work. An employee is not absent from duty on their compressed day off.

As a result, the employee would not be eligible to modify their compressed day to bereavement leave.

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Reviewed by LRCD March 2019

Case Study #9

Last Tuesday, Jack Brown (AS-01) submitted a request for vacation leave for the following Friday. You immediately explained to Jack that, unfortunately, you were not able to grant his request because of operational requirements. Jack responded that he understood and you considered the matter closed. On Friday morning, upon arriving for work, you have a voicemail from Jack informing you that he is sick and will not be coming in.

What would you do?

Answer:

Article 35.02 of the FB collective agreement states the following:

35.02 An employee shall be granted sick leave with pay when he or she is unable to perform his or her duties because of illness or injury provided that:

- a. he or she satisfies the Employer of this condition in such manner and at such time as may be determined by the Employer;
and
- b. he or she has the necessary sick leave credits.

Article 35.03 means that the employee must satisfy management of his inability to report for work due to illness and his resulting need for sick leave.

- Assuming reporting requirements are in place, management should immediately call the employee at home to discuss the request. The fact that the employee was previously denied vacation leave for that day is an important factor and warrants investigation. It does not mean, however, that certification (medical note) would automatically be required as a condition of approval.

As an example, management might be satisfied, as a result of immediately reaching and discussing the issue with Jack, that he is incapable of reporting due to illness or injury and uncertified sick leave would be authorized over the phone.

However, if management cannot reach Jack (nobody at home), management should meet with Jack upon his return on Monday to discuss the issue of Jack's failure to follow reporting requirements. Management will subsequently determine if uncertified or certified sick leave will be considered or if the absence will be deemed unauthorized, thus subject to discipline.

If management cannot reach the employee at home, management should leave a message asking the employee to call back ASAP. If the employee does not call back, it would not be unreasonable to leave a second message indicating that proof of illness (medical note) will be required. It is important that management meet with the employee at the first opportunity to discuss the situation and to determine an appropriate response.

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Reviewed by LRCD March 2019

Case Study #10

An FB-01 indeterminate employee works Monday to Friday, 07:30 to 15:30. The Employee applies for a position and is invited to attend an interview as part of the selection process. The interview is scheduled from 13:30 to 16:00 the following Monday.

- a) How much personnel selection leave is the employee entitled to?**
- b) If the employee were appointed for a term of less than three months, would the entitlement be the same? Why?**

Answer:

a) Indeterminate employee

The indeterminate employee would be entitled to **article 48 - personnel selection leave** from 13:30 to 15:30, plus reasonable travel time to go to the interview. The employee is not entitled to leave after 15:30.

48.01 Where an employee participates in a personnel selection process, including the appeal process where applicable, for a position in the public service as defined in the Public Service Labour Relations Act, the employee is entitled to leave with pay for the period during which the employee's presence is required for purposes of the selection process and for such further period as the Employer considers reasonable for the employee to travel to and from the place where his or her presence is so required.

b) Term less than three months

Article 2 of the FB collective agreement defines "employee" as meaning a person so defined in the Public Service Labour Relations Act and who is a member of the bargaining unit specified in Article 9. As per **section 2(1) of the Federal Public Sector Labour Relations Act**, a person appointed for a specified period (term) of less than three months is not an employee and is therefore not entitled to article 48 – personnel selection leave, see below:

employee, except in Part 2, means a person employed in the public service, other than

- (a)** a person appointed by the Governor in Council under an Act of Parliament to a statutory position described in that Act;
- (b)** a person locally engaged outside Canada;
- (c)** a person not ordinarily required to work more than one third of the normal period for persons doing similar work;
- (d)** a person who is an *officer* as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act*;
- (e)** a person employed in the Canadian Security Intelligence Service who does not perform duties of a clerical or secretarial nature;
- (f)** a person employed on a casual basis;
- (g)** a person employed on a term basis, unless the term of employment is for a period of three months or more or the person has been so employed for a period of three months or more;
- (h)** an employee of the Administrative Tribunals Support Service of Canada who provides any of the following services exclusively to the Board: [...];
- (i)** a person who occupies a managerial or confidential position; or
- (j)** a person who is employed under a program designated by the employer as a student employment program.

It is not appropriate for individual managers or regions to deviate from the collective agreement by granting article 48 – personnel selection leave to employees who are not entitled to it.

Case Study #1

Finance notifies you that one of your employees has not paid the outstanding balance on their government travel card. Finance has de-activated the card and paid the debt of \$1,500. You learn that the debt was incurred when your employee made several cash withdrawals at a Reno ATM when she was on vacation there six months ago. When you talk to the employee, she appears surprised that you're asking her about it. She thought she could use the card for her own purchases since the bill comes to her home. The card is in her name, and she pays the debt herself. She's sorry about the debt and will pay it off as quickly as she can.

What information would you gather initially?

- Conduct a fact-finding interview with employee
- Obtain a copy of the Travel Card message that Finance sends out annually, or obtain from LR
- Inquire as to whether the employee has an acquisition card as well and if so, obtain usage report
- Inquire as to whether or not they are a petty cash holder and if so, verify the petty cash
- Verify whether or not the employee was on travel status at the time of the purchases
- Obtain a copy of the agreement they signed in relation to the card

What laws, policies or rules are invoked in this situation?

- CBSA Code of Conduct
- Government Travel Card Policy
- Financial Administration Act
- Values and Ethics Code for the Public Sector

Is there a reason not to proceed on a disciplinary track?

- No – Consider discipline
- Other considerations include: possible addiction? Disability? Doctor's note/medical information? – These are all mitigating should they be present, however that does not mean that the actions/behavior were not culpable
- Monetary Issues – Security review?

Are there any special challenges or considerations in this situation?

- Is the employee remorseful? The employee had not paid the debt on the card for 6 months and did not bring it to management's attention.

What steps should you, as the manager/superintendent take in this situation?

- Refer up to regional PSI
- Security should review and may even conduct a credit check etc.
- Cancel the card/suspend or remove it if necessary keeping in mind that discipline is meant to be corrective.
- If card is reinstated, follow up, conduct spot checks to monitor the situation/use
- Verify whether or not they still require a card

Case Study #2

You find a print-out of a Facebook page in your Inbox. You recognize it as the Facebook page of a BSO stationed in a small outpost. He reports to you. In his Facebook photo he's in uniform with his flash clearly visible. He's sitting on a park bench, well-groomed and smiling. In the "Employment" section of his Facebook page, he identifies himself as working for CBSA. In the "What's on your mind?" section of the Facebook page, the following comment appears (it's dated the previous evening): "Two hours to my DOR! If I can just stay awake two @#!&* hours!"

What information would you gather initially?

- Obtain a copy of the BSO's schedule to verify they were on shift
- Verify whether the print-out is credible
- Review the profile and comment and obtain the time and date stamp if not already provided on the print-out
- Look at the other comments and review the profile

What laws, policies or rules are invoked in this situation?

- CBSA Code of Conduct – electronic devices, social media, off-duty conduct, uniform policy/standards
- Electronic Network Policy

Is there a reason not to proceed on a disciplinary track?

- No – Consider discipline (unless it is determined the profile was hacked)
- Is this a brand new employee?

Are there any special challenges or considerations in this situation?

- Length of service – Is this a new employee?
- Was the employee on a break? This could be mitigating although does not necessarily mean the action was not culpable.

What steps should you, as the manager/superintendent take in this situation?

- Refer up to regional PSI
- Conduct a fact-finding

Case Study # 3

You have just taken over a unit where six staff have gotten away with everything but murder for a number of years. They are one big happy family that pretty well does as it pleases.

Among their unacceptable habits are:

- **Excessive personal telephone calls**
- **Long coffee breaks and lunch periods**
- **Over use of casual sick leave**
- **Generally poor quality and quantity of work performance**
- **Incessant gossiping**

You're frustrated with the whole situation and want to take steps to correct it.

What information would you gather initially?

- Determine whether or not the behavior of the team has ever been addressed formally/previously by management
- Document the behavior – start “building the file”
- Are all employee's involved in the behavior?
- Look into the past practices

What laws, policies or rules are invoked in this situation?

- Collective Agreement – Hours or Work
- CBSA Code of Conduct
- Have there been any messages sent out previously reminding or informing employees of the policies, rules etc?

Is there a reason not to proceed on a disciplinary track?

- There is reason to not proceed – management has possibly condoned the behavior in the past and therefore expectations need to be made clear to employee's

Are there any special challenges or considerations in this situation?

- As a new manager to the unit, employees are not yet aware of your expectations

What steps should you, as the manager/superintendent take in this situation?

- Make the expectations clear with all employees – meet with them and then follow up in writing to ensure they are clear
- “Reset” the office – as a new manager to the unit, it is the perfect time to establish the expectations regarding behavior, policies etc.
- Be clear that the past practices are now in the past and the new practices will be adhered to going forward and remind employees of the consequences of not following
- Engage the Union
- Communication is key

Case Study #4

You receive a copy of a Ministerial complaint. A traveler alleges that a BSO was extremely rude to him and his wife. The traveler also thinks the secondary search was malicious on account of his skin color. He was travelling in a 'caravan' with six other cars. Everyone in the caravan had children who were playing in a hockey tournament in the States. Of all the hockey parents, he and his family are the only 'persons of color' and theirs was the only car pulled over for a secondary.

What information would you gather initially?

- Review the complaint
- Obtain a copy of the BSO's schedule
- Contact the complainant
- Obtain a report from the BSO
- Review IPIL passenger history
- Obtain and review the CCTV footage (with RDG approval)
- Determine why they were referred – could have been random
- Obtain and review previous complaints (if there are any)

What laws, policies or rules are invoked in this situation?

- CBSA Code of Conduct – Contact with the Public (Professionalism)
- Processes?

Is there a reason not to proceed on a disciplinary track?

- If the referral was random and the BSO acted professionally, no need to proceed
- If complaint is founded (based on fact-finding), proceed

Are there any special challenges or considerations in this situation?

- Travelers can become upset when referred for secondary examination

What steps should you, as the manager/superintendent take in this situation?

- Refer up to regional PSI if the decision is to proceed
- Respond to the Ministerial Complaint
- Review the situation and the available facts to determine whether misconduct occurred



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Roles and Responsibilities of the Parties

Leading at the Frontline
Reviewed by LRCD **February 2019**



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Roles and Responsibilities of the Parties

- **Objective(s):** At the end of this module participants will understand:
 - Basic management roles and responsibilities;
 - Management authority in the context of labour relations;
 - Basic roles and responsibilities of employees, union, and Labour Relations advisors;
 - Understand that good labour-management relations improves employee morale and increases productivity.

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In terms of objectives for this module, we start by looking at basic **management roles and responsibilities**.

We'll look at the specific laws, policies and other **management authorities** that govern the employment relationship in CBSA.

We'll look at what happens when you encounter a situation for which there is **no written law, policy, or contract to provide authority**.

Last but not least, we'll look at the **roles, responsibilities and rights** of the key parties to the employer/employee contract, in other words:

- Managers (representing the Employer); and
- Employees

We'll also talk about the roles of the people who act on behalf of/support/provide advice to the parties to the employment contract:

- Union
- Labour Relations Advisors



CBSA Manager


Within the scope of a manager's job description and in support of the mission and mandate of CBSA, the role and responsibilities of a manager include:

- Plan, organize and implement work production using the allotted and available resources;
- Assign work, provide information, training, and direction to employees to ensure the work is done in the prescribed manner;
- Monitor, evaluate and provide feedback on work performance, output, and employee conduct to ensure standards of performance and conduct are met or exceeded;
- Ensure compliance with laws, collective agreements and policies;
- Perform other duties as required by senior management;
- Ensure a safe, productive and healthy work environment for all employees.

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- ensure work is done
- apply collective agreements
- Deal with performance issues
- investigate discipline issues
- reply to grievances
- prepare for strike
- participate in health and safety.



Sources of Management Authority

- Legislation
 - *Financial Administration Act* (FAA)
 - *Federal Public Sector Labour Relations Act* (FPSLRA)
- Contracts (e.g. collective agreements)
- Policies
- CBSA Instruments of Delegated Authority
- Case law and adjudication decisions

Also, the concept of “residual rights”.

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FAA


- discipline
- determine and regulate the pay, hours of work and leave for employees
- termination of employment and demotion for unsatisfactory performance or misconduct

FPSLRA

- right to join an union
- grievance adjudication
- strikes
- exclusions from union membership

Came into affect April 2005. emphasizes the importance of effective labour-management relations in good human resource management and that collaborative efforts between the parties

- What authorities govern this situation? What are my options?
- Are there any limitations on how I exercise my authority? What are those limitations?
- What do I do if there is a conflict between what two different authorities are telling me to do?
- What if there is no law, contract or policy governing a particular situation? Can I do what I want to do?



Delegation of Human Resources Authorities

- The Treasury Board Secretariat is responsible for people management in the Core Public Administration. Much of this authority has been delegated to Deputy Heads of Departments and Agencies (e.g. the President of the CBSA).
- The President of the CBSA has, in turn, sub-delegated many authorities to managers through the Departmental Delegation of Authorities Instruments.
- All labour relations authorities that have been delegated to managers and are set out in the CBSA Delegation of Authorities, which is available on Atlas.

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-As you can imagine, neither Treasury Board nor the Deputy Head nor the President of CBSA can do it all and that's where you, as managers, come into the picture

-These very high-level 'holders of power' have delegated their authority to you. The "Delegation of Authority Instruments" is the mechanism by which this authority is sub-delegated to you.

Questions:

Who has seen the CBSA "Delegated Authority for Operational Matters - Labour Relations and Compensation" instrument?

What kind of authorities are covered in this particular instrument?

- Leave
- Hours of work
- Discipline
- Pay

What are some examples of decisions that can be made by superintendents?

- OT
- Annual leave
- Hours of work

What are some examples of decisions that require the Chief level?


- Suspension over 5 days
- Advancement of sick leave
- Care of family over 1 year
- LIA
- 6990

What requires the decision of the RDG?

- Sick leave without pay over 2 years
- Termination
- Career development leave

President – Bereavement Leave

- Grant LWP for periods greater than stipulated in the relevant article



Residual Rights

The theory that management has the freedom to act except where this freedom is limited by legislation or provisions of a collective agreement. Residual rights exist even if there is no disposition to that effect in a collective agreement.

A “residuals rights” clause is part of the FB Collective Agreement:

Article 6: managerial responsibilities

6.01 Except to the extent provided herein, this agreement in no way restricts the authority of those charged with managerial responsibilities in the public service.

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What this means is that... in the absence of any rule that fetters you.... You are free to do as you please! What a concept!

Question: Do you think that’s really true in practice?

Answer: In reality, almost all **aspects of workplace/people management** are covered by some form of law, regulation, collective agreement, MOU, policy, directive that has authority over you. Even when they are not, you are still bound, as a manager, to act in a way that is fair, non-discriminatory, and in good faith.

A good example is the assignment of overtime. There is nothing in the collective agreement or in any policy or directive (national/regional) that states positively that a manager can direct an employee to stay and work overtime. And yet a manager can do it. Even where an employee has not agreed to overtime as a Condition of Employment, a manager has – under residual rights – the authority and right to assign overtime when operations require it. It’s not a totally unfettered right ... you have to be fair, you can’t discriminate, you must exercise your power in good faith. You can’t direct overtime if it would be unsafe to do so. But in a general sense, you can indeed assign overtime. It’s a ‘residual right’.

The “residual rights” of the Employer are provided under s. 6 and 7 of the Federal Public Sector Labour Relation Act and s. 7(1)e and 11.1(1)(a) of the Financial Administration Act, which give the Employer the right to manage its business/organization, i.e.; terms and conditions of employment outside of those negotiated in collective bargaining are established by the Treasury Board under those legislated authorities to create and implement policy instruments that are essential components of effective human resources management.



Collective Agreements and Employer Policies

Collective Agreements

A collective agreement is a legal contract between the employer and the bargaining agent (union) representing certain groups of employees. Managers are required to implement (follow) the terms of the collective agreement.

Employer Policies

- The Treasury Board Secretariat (TBS) is the employer for the Core Public Administration and has numerous policies and directives in all areas of people management.
- The CBSA also has various policies and directives that have been endorsed by senior management and which managers are required to follow.


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Treasury Board Secretariat (TBS) Policies:

- Powers retained by the TBS the much broader components of human resource management including the determination of resourcing requirements, pay, classification, and establishing policies and programs with respect to employment equity, harassment and the disclosure of wrongdoing in the workplace.

- It should be noted that the TBS Directive on the Terms and Conditions of Employment and related instruments set out the terms and conditions of employment for employees who are not covered by a collective agreement. It includes provisions that apply to all employees on matters not found in collective agreements such as the calculation of the rate of pay on appointment; death benefit; seasonal and casual employees.



Terms and Conditions of Employment

- **TBS Directive on Terms and Condition of Employment (DTCE)** and other policies* address matters not found in collective agreements or legislation
- TBS directs the terms and conditions for employees who are unrepresented or excluded (e.g. EX and PE)
- Students are governed by the **TBS Terms and Conditions of Employment for Students** and the relevant collective agreement
- Where there is a conflict, the provisions of the collective agreement prevail over TBS policy.

**e.g. TBS Directive on Leave and Special Working Arrangements*


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Directive on Terms and Conditions of Employment:

This TBS Directive sets out the terms and conditions of employment for employees who are not covered by a collective agreement. It includes provisions that apply to all employees on matters not found in collective agreements such as the calculation of the rate of pay on appointment, death benefit, seasonal and casual employees.

The Directive on Terms and Conditions of Employment plays a number of roles:

- it sets out the terms and conditions of employment for employees who are not covered by a collective agreement such as **unrepresented employees**, **excluded employees**, **casual employees**, etc.
- it sets out **additional** terms and conditions of employment that, in some cases, are not covered by collective agreements.



Past Practice

- There are two ways in which a past practice may limit management rights:
 - If management fails to exercise a right specified in legislation / collective agreement.
 - If management provides a benefit outside of the collective agreement (i.e. benefit to which the employee is not entitled).
- A past practice may be changed by giving reasonable notice to employees.

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Additional details to convey:

- In addition, 'past practice' may limit a manager's ability to discipline in cases of misconduct. If a manager imposes discipline on an employee for behaviour that, although it may be contrary to a rule or to policy, has been tolerated (or allowed) by management in the past, that discipline may be overturned when reviewed by a third party.

- Management can change a 'past practice' but only with reasonable notice to employees, so that employees have a chance to change their behaviour to adjust and conform to the new requirements.



Jurisprudence

- Jurisprudence (case law) provides guidance and may limit our options in a given situation.
- Jurisprudence tells us how third party decision-makers are interpreting legislation, collective agreements and employer policy.
- Third-party decision-makers are judges in a court of law or adjudicators in administrative tribunals such as the Federal Public Sector Labour Relations and Employment Board.
- Decisions of the NJC Executive Committee also provide guidance and can only be appealed by bargaining agents.

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Additional details to convey:

- Management is limited in any court of law or tribunal by the 'principles of natural justice'. Depending on the circumstances, these principles may include:
 - The party accused of misconduct has the right to know what they are accused of, and to respond;
 - The decision-maker in a hearing must be impartial;
 - A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
 - Proceedings should be conducted so they are fair to all the parties - expressed in the latin maxim *audi alteram partem*: "let the other side be heard".



Roles & Responsibilities

- **Employees**
- **Union/Bargaining Agent**
- **Labour Relations Advisors**



Employee Responsibilities

Employee responsibilities include:

- Performing the duties of their position in the manner prescribed by management;
- Complying with management direction;
- Complying with all laws, employer policies and the collective agreement;
- Contributing towards a safe, productive and healthy work environment.

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As managers, you need to understand that employees are obligated to follow your directions.

“Obey now, grieve later” is a key principle when there is a disagreement between a manager and an employee

- e.g. what the employee must do or how they must do it
- e.g. the interpretation of a law, policy or collective agreement provision

For example, the FB collective agreement says in Article 19 that a discrimination grievance can be mediated but only by mutual consent of the parties, and the selection of the mediator will be by mutual agreement. In this case, a manager cannot direct an employee to attend mediation, and the manager cannot unilaterally select a mediator. There is a proscribed process that places limitations on a manager’s right to ‘direct’ the employee.

On the other hand, if a manager wants an officer to work the front counter, the manager has the right to make this direction. There is no rule or law that disallows it.



Employee Rights

Work-related protections prescribed by legislation*, the collective agreement or employer policy

Supervisors must ensure that employee rights are respected.
Some basic employee rights are:

- Right to union representation (see notes);
- Right to file a grievance;
- Right to a healthy and safe work environment;
- Right to refuse dangerous work;
- Right to work in the official language of their choice; and
- Right to a workplace free from discrimination and harassment.

**e.g. Federal Public Sector Labour Relations Act*

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Additional details to convey:

- **Right to union representation:** Article 17.02 of the FB Collective Agreement (expiry date: June 20, 2018) was recently expanded to include administrative and investigative meetings.
- **Right to file a grievance:** outlined in the collective agreement and an option provided to employees who disagree with a management decision or interpretation.
 - Sections 208 and 215 of the FPSLRA give employees the right to file individual or group grievances.
 - Under section 220, only the bargaining agent or the employer may submit a policy grievance.
- **Right to a healthy and safe work environment:** management has the responsibility to provide this and is referenced in the Canada Labour Code, Part II.
- **Right to refuse dangerous work:** Management has responsibility to ensure that certain practices and/or procedures, are safe for employee.
- **Right to work in the official language of their choice:** Outlined in the Treasury Board's Official Languages Policy.

- **Right to a workplace that is free from discrimination and harassment:**
Important that management address issues brought forth from employees in a timely and efficient manner.

Other

- The employer is prohibited from interfering with the formation of an employee organization and from discriminating against an employee organization.
- Bargaining agents (unions) have a duty of fair representation to any employee in the bargaining unit.
- The *Act* prohibits them from acting in an arbitrary or discriminatory manner or in bad faith in representing any employee in the unit.




Union/Bargaining Agent

Union is the term we commonly use to refer to bargaining agents. Unions are employee organizations, that is, organizations that are formed to represent the interests of a group of employees in the workplace. Unions and union activities are governed by the FPSLRA.

Union Responsibilities

- Collective bargaining
- Representation in the grievance process
- Political Action and Lobbying
- Classification Studies
- Appeal Representation

Speaker note: bargaining agents will be explained in the next slide.



Bargaining Agent

Bargaining agents are employee organizations that have been certified by the Federal Public Sector Labour Relations and Employment Board to represent particular groups of employees in various activities (e.g. collective bargaining, unfair labour practices, grievances, strikes, etc.)

- The **Public Service Alliance of Canada** is a bargaining agent that represents many groups of employees (e.g. PA, FB,). The PSAC has many **components** such as the Customs and Immigration Union.
- The **Professional Institute of the Public Service of Canada** is the bargaining agent that represents several other groups of employees (e.g. CS).

Unions refer to employees as their “**members**”.

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Additional notes to convey:

The role of bargaining agents is to represent the interests of their members and seek improvement in terms and conditions of employment such as:


- Compensation
- Working conditions
- Job security
- Hours of work
- Leave

The bargaining agent has the legal right to challenge certain decisions of the employer. This can be done in the following situations:

- During collective bargaining, through job action, legal strikes or reference to a third party
- By representing employees during the grievance process, including adjudication
- By filing policy grievances or unfair labour practice complaints with the FPSLREB

Additional note

How is the union-management relationship in your area?



Labour Relations Advisors

- Role is to assist and/or represent management;
- Provide advice and guidance to management;
- Provide interpretations of the collective agreement, legislation, etc. as needed;
- Validate decisions and consult Corporate Labour Relations (national HQ) when required; and
- Promote best practices for people management;
- Promote an open dialogue and a harmonious Union-Management relationship.

*Employees needing assistance should discuss their questions or concerns with their immediate supervisor.

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Role of Labour Relations Advisors (LRA)

The primary role of the LRA is to act as an advisor to management, providing expert advice on labour relations matters such as collective agreement interpretation, managing performance, addressing employee misconduct and the application of TBS and Agency policies. The LRA has a thorough understanding of relevant legislation, collective agreements, TBS and Agency policies, as well as practical experience in applying these to workplace situations.

Corporate Labour Relations (LRCD) may sometimes consult TBS for an interpretation of the collective agreement. It is important that management is advised of this so that they do not expect an immediate response.

While consultation takes place between management and unions, the LRA can play an important role in promoting effective workplace relations.



Final Tips for Exercising Managerial Authority

- If you have to say “no”, explore options with the employee and/or the union. It is best to provide a rationale for your decision;
- Be sympathetic but firm when applying the collective agreement or enforcing a rule;
- Consult your manager and/or Labour Relations if you're unsure;
- You may have the 'right' to do something, but it may not be the 'right' thing to do;
- Never let personality conflicts guide your decision-making;
- Be consistent when dealing with employees and the union (both within your management team & between employees);
- Don't forget to apply human values to decision-making.

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Roles and Responsibilities

--QUESTIONS/COMMENTS--



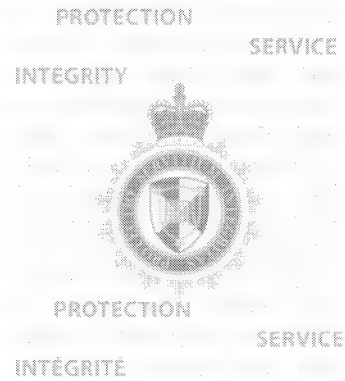
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Collective Agreement Application

Leading at the Frontline
Reviewed by LRCD February 2019



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Learning Objectives

- Define the term “collective agreement” and identify its legal basis.
- Identify the categories of information contained and excluded from collective agreements;
- Identify the general principles underlying the administration of collective agreements;
- Identify the labour relations authorities that have been delegated to each management level in accordance with the CBSA Delegation of Human Resources Authorities for Grievances, Discipline and Other Matters;
- Apply the provisions of the collective agreement in workplace situations.

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Legal Basis


- The *Federal Public Sector Labour Relations Act* (FPSLRA) defines “collective agreement” as
 an agreement in writing, entered into under Part 1 between the employer and a bargaining agent, containing provisions respecting terms and conditions of employment and related matters.
- It is a **negotiated agreement** between the employer and the bargaining agent
- It is a legal contract that is binding on both parties

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Treasury Board as the employer has the legal authority to enter into collective agreements with bargaining agents.

Enforcement of the collective agreement is provided for in Section 114 of the PSLRA which states that: “a collective agreement is, binding on the employer, the bargaining agent, and every employee in the bargaining unit”.

The collective agreement stabilizes and protects relations among the parties for a specified period by bringing together the employment conditions to which they must adhere. A collective agreement facilitates a mutual understanding of employment conditions and enhances compliance with these conditions.



Structure of a Collective Agreement

- Articles, clauses (usually 50 to 60)
- Rates of pay
- Other Appendices (e.g. Workforce Adjustment)
- Memoranda of Understanding

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Clauses and sub-clauses

Appendices

Memoranda of Agreements

Divided into Pay related articles


Pay rates

Overtime rates Shift Premiums

Non Pay Articles

Leave Benefits

Grievance Procedure



Collective Agreements

What is negotiable?

- Monetary: salary, allowances, premiums, overtime rate
- Non-monetary: managerial responsibilities, bargaining agents rights, types of leave, working conditions

What is not negotiable?

- Staffing (PSEA)
- Pension (PSSA)
- Classification (right of employer to organize the work)
- Any term and condition that would require legislation or legislative amendments
- Personal Injury and Compensation (GECA)

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Categories of Information included in collective agreements

Non-Monetary items, such as:

- management responsibilities
- the purpose and scope of the agreement
- recognition of the National Joint Council Agreements

Union security items, such as:


- recognition of the bargaining agent
- check-off
- use of employer facilities
- leave for union business

Monetary items, such as:

- pay
- hours of work
- leave
- overtime
- other terms and conditions of employment

Note: On June 6, 2018, the Quebec Superior Court ruled on an application by the union (UCCO-SACC-CSN) representing federal corrections officers that s. 113 of the Federal Public Sector Labour Relations Act is unconstitutional, except for personal injury compensation (under GECA), which means that pensions, staffing and classification should be items/issues that can be negotiated by the parties. In its decision the Superior Court ordered a 12 month stay of the decision that will allow time for the government to proceed on the matter.

The decision of the Superior Court is currently being analysed by Treasury Board Secretariat, Legal Services to determine if judicial review is warranted, and how the government will proceed.



Residual Rights

The theory that management has the freedom to act except where this freedom is limited by legislation or provisions of a collective agreement. Residual rights exist even if there is no disposition to that effect in a collective agreement.

A “residuals rights” clause is part of the FB Collective Agreement:

Article 6: managerial responsibilities

6.01 Except to the extent provided herein, this agreement in no way restricts the authority of those charged with managerial responsibilities in the public service.

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Collective bargaining – under the *Federal Public Sector Labour Relations Act* operates on the concept that management has no rights except those expressly given to them under the terms of the collective agreement.

Residual rights – under the *Financial Administration Act* operates on the concept that management has complete freedom of action, except where this freedom of action has been expressly limited by the provisions of a collective agreement.

The authority to manage is based on the following subsections of the **Financial Administration Act**:

Powers of the Treasury Board

11.1 (1) In the exercise of its human resources management responsibilities under paragraph 7(1)(e), the Treasury Board may

- (a) determine the human resources requirements of the public service and provide for the allocation and effective utilization of human resources in the public service;
- (b) provide for the classification of positions and persons employed in the public service; [...]

Powers of deputy heads in core public administration

12 (1) Subject to paragraphs 11.1(1)(f) and (g), every deputy head in the core public administration may, with respect to the portion for which he or she is deputy head,

- (a) determine the learning, training and development requirements of persons employed in the public service and fix the terms on which the learning, training and development may be carried out;
- (b) provide for the awards that may be made to persons employed in the public service for outstanding performance of their duties, for other meritorious achievement in relation to their duties or for inventions or practical suggestions for improvements;
- (c) establish standards of discipline and set penalties, including termination of employment, suspension, demotion to a position at a lower maximum rate of pay and financial penalties; [...]



Directive on Terms and Conditions of Employment

- Policy of the Treasury Board Secretariat (TBS)
- Provides sound, consistent and effective practices with respect to the administration of terms and conditions of employment.
- Addresses provisions not covered in the Collective Agreements
- Establishes working conditions for represented employees as well as unrepresented and excluded employees.

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Areas not usually covered in the CA's

Examples:

How to apply pay increments

Calculations of rate of pay on initial appointment or promotion

Regulations on acting assignments


Provides detailed administrative measures



Directive on Terms and Conditions of Employment

- Applies to persons appointed to the core public administration as defined in section 11 of the Financial Administration Act, unless excluded through specific acts, regulations or Orders in Council.
- This includes persons appointed as:
 - indeterminate;
 - term of three months or more **or** term less than three months;
 - casual worker;
 - as and when required basis;
 - seasonal worker;
 - excluded employee or in an unrepresented group;
 - part-time; or
 - part-time worker

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National Joint Council (NJC) Policies

- Deemed to be part of Collective Agreements
- Developed in partnership by employer and bargaining agent representatives at the National Joint Council
- Provisions also apply to persons not covered by collective agreements
 - Travel Directive
 - Relocation Directive
 - Isolated Posts and Government Housing Directive
 - Foreign Services Directive
 - Occupational Safety and Health Directive

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The NJC consults on many issues that affect employees throughout the federal public service; such as the Travel Directive, Relocation Directive and Isolated Post Directive. It is more efficient to negotiate these matters at the NJC rather than at each bargaining table.

The employer as a result of consultation through the NJC has issued a number of directives and policies. Collective Agreements usually contain an article which will specify which of the NJC Agreements form part of the collective agreement and is stated in an article entitled National Joint Council Agreements.




NJC Directives (Policies) not found in the Collective Agreement

- Public Service Health Care Plan
- Public Service Dental Care Plan
- Disability Insurance Plan
- Payroll Deductions with Retroactive Effect
- Policy on Official Languages
- Joint Health Insurance Premiums

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Note: An exception exists, i.e., the Dental Care Plan is within the collective agreements of the 5 Alliance tables (EB, FB, PA, SV and TC).



Unrepresented and Excluded

“Unrepresented” means an **employee** who is not represented by a bargaining agent (e.g. EX, PE). These employees follow the terms and conditions of the Program and Administrative Services (PA) Collective Agreement.

“Excluded” means a **position** that would ordinarily belong to the bargaining unit but has been excluded due to the managerial or confidential nature of the duties of the position. The incumbent of an excluded position does not belong to the union or pay union dues but follows the terms and conditions of the relevant collective agreement.

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Directive on the Terms and Conditions of Employment

Relevant collective agreement is defined as the collective agreement for the bargaining unit to which the person is assigned or would be assigned were the person's position represented or not excluded. For positions classified as PE and OM, the relevant collective agreement is that applying to the Program and Administrative Services Group. For positions classified as PO-IMA and PO-TCO, the relevant collective agreement is that applying to the Technical Services Group.



Impact of Correct Application

- Clarifies ambiguous situation
- Builds confidence and respect for management
- Confines further changes to the interpretation of the actual wording
- Provides sound basis from which to defend grievances


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Impact of incorrect application

- Deprives employees of benefits to which they are entitled
- Causes confusion or dissension in the work area over unequal or unfair application
- Could establish precedents (past practice) and creates a liability for the Agency
- Could cause disagreement with bargaining agents and tarnish the labour-management relationship

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General Principles

- Always refer to the relevant collective agreement;
- Ensure that the appropriate article is at stake.
- "Specific" language always has precedence over "General" language
- Do not interpret the language by giving it a broader/ narrower meaning than what was originally intended.
- If unsure of the application, managers are encouraged to contact Labour Relations.

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For example: An employee has already used up their thirty-seven and a half-hours allowed for **"Leave with pay for Family-Related Responsibilities"** (section 43, PA agreement with PSAC). This employee is again in a situation that meets requirements of this type of leave and submits a request for paid leave under section 52 **"Leave with or without Pay for Other Reasons"** that reads:


"52.01 At its discretion, the Employer may grant:

- (a) leave with pay when circumstances not directly attributable to the employee prevent his or her reporting for duty; such leave shall not be unreasonably withheld;*
- (b) leave with or without pay for purposes other than those specified in the Agreements".*

To be more precise, paragraph (b) reads, *"Leave with or without for purposes other than those specified in this Agreements."*

It seems that there are no restrictions to your using your discretionary authority, but such a restriction does exist. One rule of the applications of collective agreements is *"general clauses cannot have precedence over specific clauses"*. If the employee's request were to be granted under section 52.01b, this would extend the limit of the thirty-seven and a half hours already under section 43.

In other words, we would use a *"general clause"* (other purposes) to extend the limits of a *"specific clause"* (family responsibilities). To approve this leave would be an error because it would be a violation of a fundamental rule of contract law.



Language of Collective Agreements

It is important to pay attention to the terminology used in the provision in question

- “**subject to operational requirements**”
- “at its discretion, the Employer **may**...”
- “The Employer **shall**...”
- « The Employer will make **every reasonable effort** »
- “**Shall not be unreasonably denied**”

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Each collective agreement is tailored to meet the needs of the bargaining units involved in performing work in entirely different environments. While most agreements tend to deal with the same subjects ie. Leave etc, the actual language used may vary. Words mean the same as they in ordinary language. Expressions must be read in the context of the clause or article in which they are found.

Some of the terminology noted are often found in various articles of collective agreements.

End with:

A ‘general’ clause cannot be used to extend the benefits of a specific clause. These clauses are to anticipate situations that are not covered by more specific clauses.

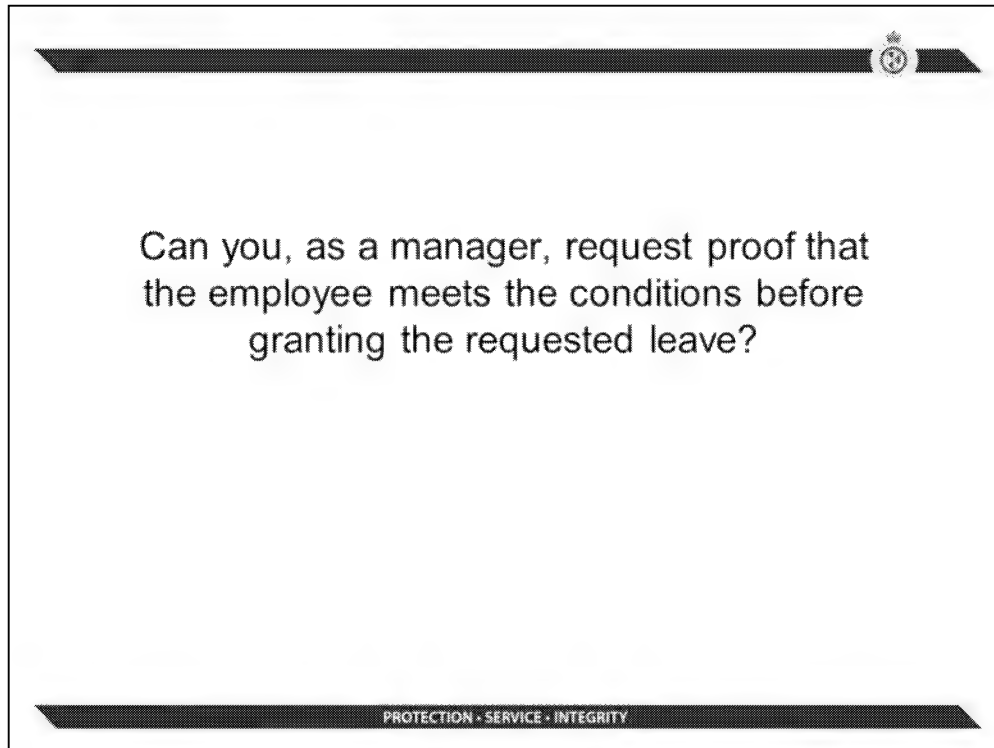
Discretionary and non-discretionary articles and clauses. If an employee meets the requirement or condition of the article, the benefit must be granted. Nevertheless, the onus is on the employee to provide management with the necessary information to support the request.



Managerial Discretion

- Verify that the provision in question does grant the discretionary authority to the manager/supervisor.
- Verify that you are authorized to exercise this discretionary authority.
- Determine the limits of the discretionary authority –verify the provision in question, verify other articles, current principles of management, policies and departmental directives.
- Never forget the spirit of the text and remain objective.
- Verify Agency and TB policies and precedents.
- Do not hesitate to consult the Labour Relations Division as well as the Pay and Benefits Section

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Considering the variety of benefits included in the collective agreements, some employees may attempt to request leave for which it is not warranted. The benefits are provided for specific reasons and their purpose is to facilitate the situation for which the employee may be going through.

Even if collective agreements or clauses stipulate that the employer must grant a benefit, the employee must be in the particular situation. For example, an employee who is not pregnant cannot be granted maternity leave or leave request for a medical appointment for an employee who does not have a medical appointment.

The employer has the right to request proof that the employee meets the conditions of the article before granting the requested leave. As a Manager, you would not be asking for justification every time an employee makes a request, however, it is justified if you believe it is not legitimate.

A fundamental element of this principle is that managers have the right to request sufficient information from employees in order to be satisfied that an employee has an entitlement to the leave being requested.



A Few Extra Notes About the Collective Agreement ...

- New or modified provisions in a collective agreement are marked by a double asterisk (**)
- It is very important to read the entire article to determine degree of discretion, eligibility requirements and restrictions
- Excluded and Alternate Provisions:
 - Either or both may be found at the beginning of an article
 - Excluded provision: a provision which may have no application to a certain group of employees and for which there are no alternate provisions.
 - Alternate provision: means a provision of the agreement which may only have application to certain employees.

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Look for Asterisks - when a new collective agreement is signed any new or revised clauses are identified by asterisks (**). It is good practice to review all new agreements to become acquainted with new or revised provisions.

Seek advice in the application of collective agreements - consult with your Labour Relations Advisor Consultant who has been trained to ensure that the most current and consistent application is being made. The LRALRC has access to subject matter experts at corporate headquarters and at Treasury Board. In order to ensure that the interpretation is correct it is essential that you provide Labour Relations with accurate and complete information.



Collective Agreement Application

- Questions?
- Case Studies

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Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #1

Rita Sloan (AS-02) calls in early Monday morning and informs you that her child is sick with a high fever. Rita advises you that she will not be reporting for work.

Since the beginning of the fiscal year, she has taken 4.5 days of leave with pay for family related responsibilities. 3.5 of the days were taken immediately before or immediately after days of rest. Rita enters her leave in the system when she reports for work on December 29th.

What actions would you take? Provide the references to justify your decision.

Answer:

Article 44 – leave with pay for family-related responsibilities of the PA collective agreement provides for leave with pay for family related responsibilities.

44.03 Subject to clause 44.02, the Employer shall grant the employee leave with pay under the following circumstances:

- b. to provide for the immediate and temporary care of a sick member of the employee's family and to provide the employee with time to make alternative care arrangements where the illness is of a longer duration;

In this case, the employee has taken 4.5 days of FRR leave since the beginning of the fiscal year, for a total of 33.75 hours. The total leave that may be granted under article 44 shall not exceed 37.5 hours in a fiscal year. As a result, the employee can only be granted 3.75 hours of FRR under **article 44.03 (b)**. The remaining 3.75 hours could be covered with any banked vacation leave or compensatory time the employee may have.

The fact that 3.5 out of 4.5 days of FRR leave were taken immediately before or immediately after the employee's days of rest may be an indication that the employee is abusing FRR leave. Unless there is clear evidence of leave abuse, it would be difficult to prove as the employee is not required to provide documentation to justify a FRR leave request. Denying the FRR leave or the remaining 3.75 hours of vacation or compensatory time could be construed as prima facie discrimination based on a prohibited ground of discrimination (family status, sex, marital status).

It is not relevant if other employees were denied vacation or compensatory time for that day as other employees' leave requests were not related to a need to take leave for family related responsibilities.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #2

One of your most dedicated FB-03 Border Services Officers submits a request for court leave in order to provide "emotional support" to her 26 year old daughter who is facing criminal charges.

Would you grant the request and why?

Answer:

Court Leave cannot be granted under these circumstances.

The FB collective agreement clearly defines the circumstances under which **article 47 - Court Leave** may be granted:

- a. to be available for jury selection;
- b. to serve on a jury;
- c. by subpoena, summons or other legal instrument to attend as a witness in ...

Therefore, court leave cannot be granted to enable an employee to emotionally support her child. Court Leave with pay shall be granted for the period of time the employee (not a family member) is compelled by subpoena, summons or other legal instrument, to attend as a witness in any proceedings held:

- i. in or under the authority of a court of justice or before a grand jury;
- ii. before a court, judge, justice, magistrate or coroner;
- iii. before the Senate or House of Commons of Canada or a committee of the Senate or House of Commons otherwise than in the performance of the duties of the employee's position;
- iv. before a legislative council, legislative assembly or house of assembly or any committee thereof that is authorized by law to compel the attendance of witnesses before it; or
- v. before an arbitrator or umpire or a person or body of persons authorized by law to make an inquiry and to compel the attendance of witnesses before it.

Article 41- Leave Without Pay for the Care of Family is not an option as it must be requested four (4) weeks in advance and shall be for a minimum period of three (3) weeks.

Management may want to consider granting any banked vacation or compensatory time the employee may have so that the employee can attend court with her daughter.

Management may want to remind the employee of the availability of the Employee Assistance Program (EAP) as well as Mental Health and Well-Being services.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #3

An employee (CR-04) finds out on Friday afternoon that her step-grandfather has passed away and requests bereavement leave. The employee lives in the same city as her step-grandfather. The funeral is scheduled to take place the following Monday.

Should management grant the request? Please explain.

Answer:

Article 2 of the PA collective agreement defines family as

“family” (famille)
except where otherwise specified in this agreement, means father, mother (or alternatively stepfather, stepmother, or foster parent), brother, sister, step-brother, step-sister, spouse (including common-law partner spouse resident with the employee), child (including child of common-law partner), stepchild, foster child or ward of the employee, grandchild, father-in-law, mother-in-law, daughter-in-law, son-in-law, the employee’s grandparents and relative permanently residing in the employee’s household or with whom the employee permanently resides.

Based on the above definition of family, the request cannot be granted because “step-grandfather” is not included in the definition of family.

Article 47.04 cannot be used to justify a request for bereavement leave for a step-grandparent. It can only be used to extend bereavement leave for a period greater than and/or in a manner different than provided.

47.04 It is recognized by the parties that circumstances which call for leave in respect of bereavement are based on individual circumstances. On request, the deputy head of a department may, after considering the particular circumstances involved, grant leave with pay for a period greater than and/or in a manner different than that provided for in clauses 47.01 and 47.02.

Management may want to consider granting any banked vacation leave or compensatory time the employee may have so that she can attend the funeral.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #4

A new FB employee has just been transferred to your team. You note that he is very impatient with clients. Upon reviewing his file, you find that the employee has refused to take any holidays over the past 3 years (total of 45 vacation days). You further note that nothing has been done to address the issue. You feel that the employee's performance would improve if he took a break from the pressures of work.

How would you handle the situation? Support your decision by referencing the relevant authorities of the collective agreement.

Answer:

Have a discussion with the employee to better understand them and their particular situation (i.e. potential reasons for not taking leave, probe upcoming plans for taking leave [planned vacation/leave of absence for other reasons]...etc.).

- Approach the situation by indicating that management has not received a leave request (for the summer leave period, between June 1 and September 30, and for the winter holiday season leave period, from December 1 to March 31).
- Emphasize the importance of work-life balance and that management encourages all employees to take well-deserved time away from work..
- Vacation leave contributes to the employee's overall mental health and well-being.
- Vacation leave is time to pursue passions/hobbies, visit friends/family and places, work on a special project (home repairs/landscape) or just to relax and take it easy (clear your mind)...etc.

Under **article 34.05 (a)** of the FB collective agreement, "Employees are expected to take all their vacation leave during the vacation year in which it is earned."

- Inquire if the employee has any plans for taking leave (i.e. summer leave, winter holidays...etc.).
- Encourage the employee to take the time to seriously reflect on possible vacation plans/time away from work. Give them a reasonable timeline for submitting their request (i.e. seeing all work/vacation schedules need to be approved accordingly for the entire team [before April 15th, and on or before September 15th], need to ensure this exercise is fair, meets operational requirements...etc.).

Under **article 34.05 (c) - Vacation Scheduling**, "the Employer reserves the right to schedule an employee's vacation leave but shall make every reasonable effort:

- i. to provide an employee's vacation leave in an amount and at such time as the employee may request;
- ii. not to recall an employee to duty after the employee has proceeded on vacation leave;
- iii. not to cancel or alter a period of vacation or furlough leave which has been previously approved in writing."

Article 34.11 Carry Over and/or Liquidation of Vacation Leave - "Where, in any vacation year, an employee has not been granted all of the vacation leave credited to him or her, the unused portion of his or her vacation leave, to a maximum of two hundred and sixty-two decimal five (262.5) hours of credits, shall be carried over into the following vacation year. All vacation leave credits in excess of two hundred and sixty-two decimal five (262.5) hours shall be automatically paid in cash at his or her daily rate of pay, as calculated from the classification prescribed in his or her certificate of appointment of his or her substantive position on the last day of the vacation year."

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

If it is clear that the employee will be carrying over leave credits (up to a maximum of 35 days) as a result of not taking vacation leave, the employee will be subject to a vacation leave cash-out.

- Management should emphasize that they have reviewed potential cash-out situations for all employees and will be giving all employees the opportunity to schedule their vacation leave within the current fiscal year.
- Although it is preferable that the employee schedules his/her own vacation leave, if the employee refuses to do so, management has the right to schedule vacation leave on behalf of the employee under **article 34.05 (c)**.

IMPORTANT: On February 23, 2018, TBS decided, in consultation with bargaining agents, to postpone the automatic cash-out of vacation and compensatory leave for 2018 and 2019, unless requested by the employee. The next automatic cash out date of excess hours will be, in most cases, on March 31, 2020, or as stipulated in the relevant collective agreement.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #5

John Atkins (CR-04) is a single parent who has a four year-old daughter in daycare. One Sunday evening, he receives a call from the daycare advising him that there is no heat in the building and that it will take until Thursday to make the necessary repairs. This means the daycare will be closed for the first three days of the week. When he calls on Monday, John is told that his absence is authorized and to sort out the leave code when he returns. When John returns on Thursday, he asks you if he can use article 53 - Leave With Pay for Other Reasons to cover his absence.

What type of leave would you grant John? Justify your answer using the provisions of the relevant collective agreement.

Answer:

Generally, under these circumstances, **article 53 - Leave with or without pay for other reasons** is not appropriate.

Employees should have a "backup plan" for emergency situations and should be able to arrange for alternate childcare. However, at its discretion and if the circumstances warrant it, management could grant all or part of the requested period under **article 53 – Leave With or Without Pay for Other Reasons** of the PA collective agreement, provided that

- the employee has clearly demonstrated that he made every reasonable effort to handle the situation (e.g. the employee has a backup plan in place but the backup plan failed and other attempts to make alternate arrangements also were not successful).

Childcare is a direct responsibility of the parent/employee. There is no question that the employee's absence is legitimate: the absence will be authorized and leave will be granted. The question at stake is, should the Employer pay for it?

The employee also has the following other options:

Article 44.03 (f) – Leave with pay for family-related responsibilities Subject to clause 44.02, the Employer shall grant the employee leave with pay under the following circumstances:

- f. to provide for the employee's child in the case of an unforeseeable closure of the school or daycare facility;

The total amount of FRR leave cannot exceed 37.5 hours per fiscal year.

- Should the employee not have sufficient FRR leave credits, any banked vacation or compensatory leave the employee may have could be granted.

It is not relevant if other employees were denied annual leave (vacation) or compensatory time for that day as other employees' leave requests were not related to a need to take leave for family related responsibilities.

Denying the FRR leave or vacation or compensatory time could be construed as prima facie discrimination based on a prohibited ground of discrimination (e.g. family status, sex, marital status).

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #6

Rodney Jones (CR-05) submits a request for 2 years of leave without pay for the care of family to look after his 3-year-old son starting next Monday. This is a big problem for you because of the short notice and the fact that you had assigned several important projects to Rodney because he is very knowledgeable in the computer field. Rodney has been a CR-05 since 1985 and in your unit since 1990.

What actions would you take? Justify your actions using the collective agreement.

Answer:

Article 41.02 – Leave without pay for the care of family of the PA collective agreement outlines the conditions under which this leave type may be granted:

41.02 An employee shall be granted leave without pay for the care of family in accordance with the following conditions:

1. an employee shall notify the Employer in writing as far in advance as possible but not less than four (4) weeks in advance of the commencement date of such leave unless, because of urgent or unforeseeable circumstances, such notice cannot be given;
2. leave granted under this article shall be for a minimum period of three (3) weeks;
3. the total leave granted under this article shall not exceed five (5) years during an employee's total period of employment in the public service;
4. leave granted for a period of one (1) year or less shall be scheduled in a manner which ensures continued service delivery.

In this case, you should

- Emphasize that management/CBSA understands the importance of access to leave for the purpose of the care of family.
- Highlight all of the great contributions made by the employee over the last 27 years working within the unit.
- Ask the employee if there is an urgent or unforeseeable circumstance that prevented him from providing the minimum four (4) weeks' notice, as outlined in **article 41.02 (a)**.
- If there is no urgent or unforeseeable circumstance, remind the employee that he is required to provide a minimum of four (4) weeks notice, especially since it is for a period of two (2) years.
- Once the employee has provided the required notice, he will be able to start his leave without pay.
- Management will work with the employee to ensure all of the necessary arrangements (i.e. reassigning workload, projects, deadlines...etc.) are put into place as soon as possible.
- Management can express their appreciation for the employee's understanding and commitment for staying on at work until their workload can be appropriately reassigned.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #7

John Black (FB-03) was about to leave his residence to work his shift as a Border Services Officer at the Calgary International Airport when he discovered that his vehicle had been stolen. He called management to advise what happened and that he would not be reporting for work. His regularly scheduled shift was from 0800 to 1800.

Upon his return to work, John requests article 52 - leave with or without pay for other reasons. Would you grant this request and why?

Answer:

It would depend on the circumstances and the efforts the employee made to report for work.

Article 52.01 – Leave with or without pay for other reasons states:

52.01 At its discretion, the Employer may grant:

- a. leave with pay when circumstances not directly attributable to the employee prevent his or her reporting for duty; such leave shall not be unreasonably withheld;
- b. leave with or without pay for purposes other than those specified in this agreement.

A stolen vehicle could be considered a "circumstance not directly attributable to the employee". However, the employee must demonstrate that he has made a sincere effort to report for work, despite the unforeseen circumstance. In this case, management should examine whether it was necessary for the employee to request leave for his entire shift.

Once the employee contacted the authorities, insurance etc., management could consider the time it took to complete those tasks and grant reasonable time.

Management should also consider the following:

1. Did the employee ask a family member, friend or neighbor to drive him to work?
2. Is public transit available in the employee's neighbourhood?
3. Could the employee have reported for a portion of his shift?
4. Did the employee explore/seek any other possible means of reporting for a portion of his scheduled shift?

In this case, the employee likely was not prevented from reporting for work for his entire shift.

Note: When hearing grievances of this nature, adjudicators have consistently ruled that employees must allow ample time to address travelling difficulties in order to be back at work on time.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #8

A FB-03 employee is absent from work for the reasons identified below. The employee requests article 46 - Bereavement leave for the death of their parent.

Would you grant the request? Please explain.

Reasons

- 1. Leave without pay for the care of family**
- 2. Vacation leave**
- 3. Compressed day**

Answer:

1. Employee is on leave without pay for the care of family

NO. The employee is already on leave without pay. As per **article 33.07** of the FB collective agreement, the employee is not entitled to bereavement leave during a period of leave without pay.

33.07 An employee is not entitled to leave with pay during periods he or she is on leave without pay or under suspension.

2. Employee is on vacation leave

YES, The employee is entitled to bereavement leave during a period of paid leave such as vacation, as per **article 46.03**:

46.03 If, during a period of paid leave, an employee is bereaved in circumstances under which he or she would have been eligible for bereavement leave with pay under clauses 46.01 and 46.02, the employee shall be granted bereavement leave with pay and his or her paid leave credits shall be restored to the extent of any concurrent bereavement leave with pay granted.

As a result, the employee's vacation leave will be changed to bereavement leave for the eligible period granted under article 46.03 - bereavement leave.

3. Employee is on their compressed day off

NO. **Article 2** defines "leave" as an authorized absence from duty by an employee during his or her regular or normal hours of work. An employee is not absent from duty on their compressed day off.

As a result, the employee would not be eligible to modify their compressed day to bereavement leave.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #9

Last Tuesday, Jack Brown (AS-01) submitted a request for vacation leave for the following Friday. You immediately explained to Jack that, unfortunately, you were not able to grant his request because of operational requirements. Jack responded that he understood and you considered the matter closed. On Friday morning, upon arriving for work, you have a voicemail from Jack informing you that he is sick and will not be coming in.

What would you do?

Answer:

Article 35.02 of the FB collective agreement states the following:

35.02 An employee shall be granted sick leave with pay when he or she is unable to perform his or her duties because of illness or injury provided that:

- a. he or she satisfies the Employer of this condition in such manner and at such time as may be determined by the Employer;
and
- b. he or she has the necessary sick leave credits.

Article 35.03 means that the employee must satisfy management of his inability to report for work due to illness and his resulting need for sick leave.

- Assuming reporting requirements are in place, management should immediately call the employee at home to discuss the request. The fact that the employee was previously denied vacation leave for that day is an important factor and warrants investigation. It does not mean, however, that certification (medical note) would automatically be required as a condition of approval.

As an example, management might be satisfied, as a result of immediately reaching and discussing the issue with Jack, that he is incapable of reporting due to illness or injury and uncertified sick leave would be authorized over the phone.

However, if management cannot reach Jack (nobody at home), management should meet with Jack upon his return on Monday to discuss the issue of Jack's failure to follow reporting requirements. Management will subsequently determine if uncertified or certified sick leave will be considered or if the absence will be deemed unauthorized, thus subject to discipline.

If management cannot reach the employee at home, management should leave a message asking the employee to call back ASAP. If the employee does not call back, it would not be unreasonable to leave a second message indicating that proof of illness (medical note) will be required. It is important that management meet with the employee at the first opportunity to discuss the situation and to determine an appropriate response.

Leading the Frontline for Managers – CA Case Studies – Answers

Reviewed by LRCD March 2019

Case Study #10

An FB-01 indeterminate employee works Monday to Friday, 07:30 to 15:30. The Employee applies for a position and is invited to attend an interview as part of the selection process. The interview is scheduled from 13:30 to 16:00 the following Monday.

- a) How much personnel selection leave is the employee entitled to?**
- b) If the employee were appointed for a term of less than three months, would the entitlement be the same? Why?**

Answer:

a) Indeterminate employee

The indeterminate employee would be entitled to **article 48 - personnel selection leave** from 13:30 to 15:30, plus reasonable travel time to go to the interview. The employee is not entitled to leave after 15:30.

48.01 Where an employee participates in a personnel selection process, including the appeal process where applicable, for a position in the public service as defined in the Public Service Labour Relations Act, the employee is entitled to leave with pay for the period during which the employee's presence is required for purposes of the selection process and for such further period as the Employer considers reasonable for the employee to travel to and from the place where his or her presence is so required.

b) Term less than three months

Article 2 of the FB collective agreement defines "employee" as meaning a person so defined in the Public Service Labour Relations Act and who is a member of the bargaining unit specified in Article 9. As per **section 2(1) of the Federal Public Sector Labour Relations Act**, a person appointed for a specified period (term) of less than three months is not an employee and is therefore not entitled to article 48 – personnel selection leave, see below:

employee, except in Part 2, means a person employed in the public service, other than

- (a)** a person appointed by the Governor in Council under an Act of Parliament to a statutory position described in that Act;
- (b)** a person locally engaged outside Canada;
- (c)** a person not ordinarily required to work more than one third of the normal period for persons doing similar work;
- (d)** a person who is an *officer* as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act*;
- (e)** a person employed in the Canadian Security Intelligence Service who does not perform duties of a clerical or secretarial nature;
- (f)** a person employed on a casual basis;
- (g)** a person employed on a term basis, unless the term of employment is for a period of three months or more or the person has been so employed for a period of three months or more;
- (h)** an employee of the Administrative Tribunals Support Service of Canada who provides any of the following services exclusively to the Board: [...];
- (i)** a person who occupies a managerial or confidential position; or
- (j)** a person who is employed under a program designated by the employer as a student employment program.

It is not appropriate for individual managers or regions to deviate from the collective agreement by granting article 48 – personnel selection leave to employees who are not entitled to it.



Canada Border
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Misconduct and Discipline

Leading at the Frontline
Reviewed by LRCD **February
2019**



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Learning Objectives

- The basis of management's authority and responsibility to respond to misconduct
- Define 'misconduct' and 'discipline'
- The Discipline Process – A Practical Step by Step Guide:
 - Finding the Facts
 - The disciplinary hearing
 - When to discipline & alternatives to discipline
 - Quantum of discipline
 - After the discipline – the follow-up.



Authorities & References

- Section 12 (1) (c) of the *Financial Administrative Act* (FAA)
- Collective Agreements
- Employer Policy
 - Treasury Board Secretariat (TBS) Guidelines on Discipline
 - TBS Policy on Harassment Prevention and Resolution
 - Values and Ethics Code for the Public Sector
 - CBSA Code of Conduct
 - CBSA Discipline Policy and Guidelines
 - Many more
- CBSA Instrument of Delegated Authorities

- Under the FAA, the President of CBSA has the legislated authority to establish standards of discipline and set penalties for CBSA employees.
- Limitations to this power:
 - Can only discipline 'for cause';
 - TBS can establish guidelines;
 - Subject to third party review.



Managers' Role and Responsibility to Respond to Misconduct

- Take steps to prevent misconduct.
- **Report all alleged misconduct to the Security and Professional Standards Directorate (SPSD)**
- Investigate allegations and observations of apparent misconduct.
- Take corrective measures when warranted.
- Terminate employment if management determines that the employee cannot be rehabilitated (when the bond of trust between the Employer and the employee has been irrevocably broken).

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4

Question:

What are the consequences when a manager does not respond effectively to misconduct?

- Managers who do not address misconduct appropriately (appropriate response to misconduct, rendered in a timely way) may be
 - perceived as ineffective or
 - to be participating in the misconduct
- Manager is violating his/her own responsibilities, duties, performance expectations and may be violating policy (e.g., Harassment Policy).
- Employee morale and motivation will likely decline
- A failure to act may result in
 - A perception that the behaviour is acceptable and/or condoned
 - Other employees may join in, believing that management doesn't care, or even condones the misconduct.
 - A perception of favoritism (e.g. only certain employees are disciplined, while others are not)

- Weakening of management's authority to discipline
- Negative impact on the Agency's reputation or programs
- Failure to fulfill the mission and mandate of the Agency (e.g.. missed lookouts)
- Liability if management's inaction is found to be a contributory factor in a legal wrongdoing (e.g. an accident causing injury that was preventable).
- Loss of government property (e.g.. theft of time, wasting of materials and supplies)



Other Roles

- **Employee***: responsible to conform to expected standards of conduct.
- **Regional Labour Relations Advisor**: assist the manager in investigation, analysis, and disciplinary hearing. Make recommendations on whether to discipline and quantum of discipline, in consultation with Corporate Labour Relations (using departmental standards and case law).
- **Union representative**: collective agreement gives an employee the right to have a representative at meetings related to discipline.
- **Security and Professional Standards Directorate (SPSD)** : conducts investigations into allegations of misconduct against CBSA employees (usually criminal allegations, breaches of the legislation CBSA enforces, arming violations and serious security risks) and oversees local investigations.

**The term "employee" includes management*

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Employee (includes management)

-under the harassment policy, employees do have a responsibility to report harassment to a manager

-under the Violence Prevention regulations in the CLC, employees have a responsibility to report incidents of violence in the workplace to management

-under the Code of Conduct

employees who witness serious misconduct must report it to their manager without delay

employees are expected to take reasonable steps, where possible and where there is no personal risk, to address behaviour that is not in keeping with the spirit of the Code

employees must immediately report to their manager if they are arrested, detained or questioned, whether in Canada or outside Canada

employees must report any contact or associations they have with known or suspected criminals outside their official duties

Security and Professional Standards Directorate

-On March 26, 2015, the DG, Security and Professional Standards Directorate sent a memorandum to all regions stating that all allegations or suspicions of employee misconduct must be reported to SPSPD.


-SPSPD has an enhanced role and decides whether the investigation will be

conducted by the SPSD or by local management. The SPSD also oversees and monitors local investigations.

-SPSD now has stricter service standards when conducting investigations as managers had complained about the time it took previously (average of 4 months).

Investigating allegations or suspicions of employee misconduct is accomplished by:

- the SPSD conducting a preliminary assessment which determines if a Professional Standards Investigation (PSI) is required;
- local management conducting a review in consultation with Labour Relations when warranted; or
- The SPSD closing the investigation when there is insufficient information to support the allegations or suspicions.



Preventing Misconduct

- Adequate supervision and mentoring
- Education and communication
 - Employees have a right to know what actions or inactions may lead to discipline.
 - One reason the **CBSA Disciplinary Measures Framework** was introduced
- Consistent application and enforcement
 - A rule that is not applied cannot be broken.
 - If a rule is sporadically enforced, it may be presumed that breaking it is OK.
 - Consistent application between employees
 - Consistent application between individual managers
- *"If you're going to **talk the talk**, you've got to **walk the walk**"*
 - Management is held to a higher standard of behaviour
 - Management is expected to lead by example.

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COMMUNICATE RULES

- Every single rule does not have to be communicated. There must be common sense.
- Rules should be **communicated** in writing when possible.

ENFORCING THE RULES

- It is recommended that managers respond promptly to every incident of misconduct, even seemingly 'small' incidents. Initial responses can be informal for minor incidents.


*If you're going to **talk the talk**, you've got to **walk the walk**". This means that actions speak louder than words and that a manager has to practice what he/she preaches.

The **CBSA Disciplinary Measures Framework** was introduced in October 2018 and is intended to provide general guidance to managers.

Decisions on discipline must continue to be based on the unique facts of each

incident of misconduct, in consultation with Corporate Labour Relations.

Managers are accountable for the decisions they make and cannot simply say “the framework made me do it”



Identify and Verify that an Act of Misconduct Took Place

- Manager is aware of an event or behaviour that may be misconduct (by observation, information, complaint, allegation).
- Advise Regional PSI Unit and Labour Relations of incident
- Fact-finding/administrative investigation (SPSD will determine responsibility for investigation)
- Determination that misconduct occurred.

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-Once you have reported the allegations to the SPSP and have been given the go-ahead to conduct a local investigation, your next job will be to do a fact finding to verify that an act of misconduct took place.


-Most of the steps required in a fact-finding or an investigation will be covered in a later module on 'Administrative Investigations', so I won't be going into detail into that process right now.

-Suffice to say, investigating and verifying an act of misconduct is an essential first step in the disciplinary process.

-There are two very distinct steps involved:

- 1) Finding out what happened (who, what, when, where, why)
- 2) Comparing the 'what happened' against our policies and Code of Conduct to determine if the expected standard of conduct was breached by the employee.

-You will be getting some practise doing some comparisons when we do the case studies at the end of this module.



What is 'Misconduct'?

Misconduct is defined as

A wilful action or inaction by an employee in contravention of the **CBSA Code of Conduct**, the **Values and Ethics Code for the Public Sector** or any other relevant employer policy, directive, guideline, rule or standard of conduct.

Important: Misconduct is culpable behaviour.

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Culpable behaviour refers to behaviour for which the employee is considered to be at fault because it is within the employee's control and/or occurred as a result of the employee's deliberate or intentional action or inaction. As indicated in the CBSA Code of Conduct, culpable behaviour includes neglect of duty. Discipline is the appropriate response to culpable behaviour (misconduct).

Non-culpable behaviour refers to behaviour for which the employee is not considered to be at fault because the behaviour can be attributed to factors outside of the employee's control. For example, if the employee lacks the necessary skills or training, management should provide training and/or counseling to correct the problem. Unsatisfactory performance could be non-culpable behaviour if it is related to a misunderstanding of requirements or an inability to perform the duties. Where a physical or mental disability is present, management has a duty to accommodate.

- There are many different types of misconduct possible.
- In the reference materials at the back of your module, you'll find a copy of the CBSA Code of Conduct.
- A quick scan of that document will illustrate some areas of potential misconduct, which include:

-ignoring health & safety regulations

- violating the uniform policy
- Accessing databases and client files without a valid business purpose
- using your position to bypass CBSA procedures for a friend
- taking longer breaks than permitted under the C/A
- observing the Terms and Conditions of employment
- public criticism of the Government of Canada
- neglect of duty (failure to follow training, policy or management direction)
- contraventions of Acts of Parliament and any act that significantly affects the proper performance of the employees duties(as per the new MOA)



Administrative Measures Prior to Discipline

- Discussion with the employee (informal warning) to point out what they did wrong and ways to avoid it in future
- **Expectations Letter** – a letter that outlines all of the expected behaviours, the requirement and importance of following current policies, rules, procedures, instructions, etc. and the possible consequences of failing to respect them in future
- Other ways to prevent misconduct
 - Adequate supervision; coaching/mentoring; refresher training

New to the FB Collective Agreement**

- Appendix H – Memorandum of Agreement on Administrative Suspensions Pending Investigations

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Note to regional LR – The term “corrective measure” normally refers to discipline.

Discussion with employee / informal warning / counselling don’t use the word ‘misconduct’, use the word ‘inappropriate’ or something similar instead.

Expectations Letter

- Also called an ‘administrative letter’
- Can put it on the employee’s working file and it’s like a work plan because it tells the employee what your expectations are
- Don’t give it to all employees if only one person is transgressing
- Keep a record

****New** Appendix H – Memorandum of Agreement with respect to Administrative Suspensions Pending Investigations [FB Collective Agreement**

only (expiry date: June 20, 2018)]

There is no change to the procedures around serious alleged misconduct and the need for administrative suspension without pay pending investigation. The Employer continues to be guided by the Larson criteria (see below) when determining whether it is possible to allow an employee to remain in the workplace after serious allegations of misconduct have been made. The Employer has a responsibility to justify its initial decision to suspend administratively under Larson and to periodically review that decision to ensure that any new information or circumstance(s) do not cause the decision to no longer be justified.

Administrative suspensions pending investigation continue to be without pay and to only be used where warranted. Administrative suspensions are used only where the allegations of misconduct are sufficiently serious as to cause the Employer to be unable to allow the employee's continued presence in the workplace due to any one of the criteria outlined in **Larson v. Treasury Board (Solicitor General – Correctional Service) 2002 PSSRB 9**

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Basic Concepts of Discipline

Discipline is defined as a carefully considered action such as an oral or written reprimand, suspension without pay, financial penalty, demotion or termination of employment.

Some guiding principles on discipline:

- Discipline is intended to be corrective, not punitive
- Discipline must be proportionate to the misconduct, unless there is current discipline on file
- If there is current discipline* on file, progressive discipline must be used
- Discipline must be timely

**Consult the relevant collective agreement for more information.*

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Purpose/Philosophy of Discipline

- Formally draw the employee's attention to the fact that a given action/conduct is unacceptable
- Inform the employee of the immediate consequences and future consequences if the misconduct is repeated
- Encourage the employee to correct the behaviour
- Reinforce the employer's expectation regarding the behaviour
- Discourage other employees from breaking the rules
- Follow a consistent approach

Article 17.05 of the FB and PA collective agreements indicate the following:

17.05 Any document or written statement related to disciplinary action which may have been placed on the personnel file of an employee shall be destroyed after two (2) years have elapsed since the disciplinary action was taken, provided that no further disciplinary action has been recorded during this period.

Discipline in a Nutshell

- Identify and verify that the act of misconduct took place
- Decide on the most appropriate disciplinary measure and implement it
- Ensure a follow up



Other Concepts Related to Discipline

- Procedural Fairness
- Double Jeopardy
- Just Cause
- Culminating incident
- Burden of Proof
- Evidence
- Standard of Proof
- Disciplinary documents
- Misconduct is not silo'd or streamed into categories of inappropriate behaviour: misconduct is misconduct.

Procedural fairness: This principle requires that before a decision adverse to a person's interests is made, the employee should be made aware of the allegation of misconduct and be given an opportunity to respond.

Double jeopardy: This means that an employee cannot be disciplined twice for the same misconduct, in keeping with the principles of natural justice.

Just Cause: This concept refers to "such reasons as would justify a particular course of action". In the context of discipline, just cause requires that an act of misconduct must actually occur before discipline is imposed. The relationship between 'just cause' and discipline is:


- reasonable grounds evidencing misconduct
- from this, a decision that discipline is warranted
- from this, a decision on the appropriate disciplinary measure.

Culminating Incident: An act of misconduct that on it's own would not warrant a severe disciplinary action, but when placed in the context of the employee's past record of similar behaviour, leads to progressively more serious disciplinary action.

Burden of Proof: The onus is on the Employer to prove it's case, even where no rebuttal is made.

Evidence: Reliable, factual, relevant information that supports the finding for or against the allegation.

Standard of Proof: Balance of probabilities in most cases, sometimes “clear and cogent evidence”.



Meeting with the Employee

- Where practicable, the employee shall receive a minimum of two (2) days notice of such a meeting.**
- Employee is entitled to union representation, if they want it
- The purpose of **pre-discipline** is to
 - present the results of the investigation (or prior).
 - obtain the employee's version of events;
 - obtain any other information the employee feels is relevant
- It is important to take accurate notes at pre-discipline and to provide a copy to Regional Labour Relations.

**Consult the relevant collective agreement for more information.*

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****Change to Article 17.02** of the FB Collective Agreement (expiry date: June 20, 2018) – provision has grown to **include administrative or investigative meetings** and a **notice period of two (2) days**.

17.02 When an employee is required to attend a meeting, the purpose of which is to conduct a **disciplinary, administrative or investigative** hearing concerning him or her or to render a disciplinary decision concerning him or her, the employee is entitled to have, at his or her request, a representative of the Alliance attend the meeting. Where practicable, the employee shall receive a minimum of **two (2) days' notice** of such a meeting.

Treasury Board Secretariat says these are the common mistakes made with respect to disciplinary hearings:

- Management doesn't ask the employee for an explanation
- Management fails to investigate the matter before the interview
- Management fails to comply with the procedural requirements of the collective agreement
- “jumping the gun” and “tipping your hand”

- Not providing all relevant information to the employee so that he or she can properly explain and defence himself/herself
- Letting the person off the hook
- Not investigating or considering the explanation
- Failure to give employee enough time to obtain union representation
- Minimum two days advance notice now required (see changes to language 17.02).



Disciplinary measures

- Oral reprimand
- Written reprimand
- Suspension without pay*
- Financial penalty
- Demotion
- Termination of employment
 - Used only in cases of very serious misconduct; culminating incidents or; progressive discipline.

*Not to be confused with administrative or indefinite suspension without pay pending investigation

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Oral reprimand (OR) – when manager believes it will not take severe discipline for employee to correct problem. No official document, managers notes on file with copy to employee

Written reprimand – after OR or more serious misconduct – written letter placed on file – proof that discipline has been taken – most employees view as serious – in this case will meet objective to modify behaviour.

Suspension without pay – very serious one-time misconduct, or when an employee persists in misconduct after receiving one or more verbal or written reprimands. (Suspension without pay subject to the new MOA.)


Financial penalty – Rarely used at the CBSA - only if suspension would impact OR, service delivery cannot be interrupted, or impossible to call in replacement. (note: used for illegal strike discipline)

Demotion – new – a very serious offence, but employee is still suitable for continued employment, albeit at a lower level.

Termination of employment – clearly, very serious misconduct, very rarely in the

case of a first infraction. Employee cannot be rehabilitated, previous sanctions have been unsuccessful, misconduct prevents employee from further occupying the position.

Culminating incident – not necessarily a very serious misconduct, but the last in a series of misconducts (see progressive discipline).



Choice of Disciplinary Measure

- Discipline must be considered on a case by case basis, according to the unique facts surrounding an incident.
- The **CBSA Disciplinary Measures Framework** is intended to provide general guidance on recommended ranges of discipline for various misconduct, when there is no current discipline on the employee's file
- What disciplinary measure is needed to correct the misconduct? This depends on:
 - The seriousness of the misconduct
 - Link between the misconduct and the employee's duties
 - Disciplinary record (increasing severity with repeated offences)
 - Other circumstances (any mitigating or aggravating factors)


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Ask yourself: What is the LEAST amount of discipline required to correct the behaviour?

Generally consider:

- Severity – discipline proportionate to seriousness – late vs. assault
- Link to Employment or workplace
 - drowsiness (clerk vs. prison guard)
 - smuggling (stats Canada employee vs. BSO)
- Employee's disciplinary record – is the misconduct following a series of disciplinary infractions for similar behaviour? Progressive discipline will apply.
- Extenuating circumstances
- Any current discipline on file (progressive discipline)



Mitigating and Aggravating Factors

Examples of **mitigating factors**:

- No current discipline on file (isolated incident)
- Years of service*
- Provocation, remorse
- Rules not clearly communicated, rules not consistently enforced
- Management participation

Examples of **aggravating factors**:

- Pre-meditation
- Failure to recognize the seriousness of the behaviour
- Employee is not forthcoming
- Link between the misconduct and the employee's duties

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Additional examples of mitigating factors:

- Cooperation with the investigation
- Admission of the offence
- Organizational culture / outside pressures


Additional examples of aggravating factors:

- Encouraging others to act inappropriately
- Endangerment of health or security

*Years of service could also be seen as an aggravating factor

A list can be found in the

- CBSA Discipline Policy and Guidelines in your resource materials, and in the materials for your module.
- CBSA Disciplinary Measures Framework



Scenario

Your employee has accessed a GCMS file in order to check a friend's application. Your employee is a stellar officer with no current discipline on file. You want to issue a written reprimand. Your Labour Relations Advisor recommends that you issue a one-day suspension without pay.

You are very frustrated and fear that the RDG may get involved unless you follow the recommendation of regional and/or corporate labour relations.

What should you do?

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Regional LR Advisors are required to consult Corporate LR for advice on recommended quantum of discipline.

Defer to the recommendation of corporate labour relations.

Managers have the delegated authority to issue discipline and are accountable for the decisions they make.

Managers are expected to make an informed decision, based on all relevant facts surrounding the incident.

Managers must be prepared to defend their decision to a third party (e.g. Public Sector Labour Relations and Employment Board).



Meeting at which discipline is rendered

- Takes place a few days or weeks after pre-discipline
- Manager has made an informed decision on discipline
- Schedules a meeting with a minimum of two days notice
- Reminds the employee of their right to representation during the meeting;
- Provides his/her decision to the employee (letter of discipline)

**Consult the relevant collective agreement for more information.*

A minimum two days advance notice now required (see changes to article 17.02).

Informed decision on discipline means a decision that is based on all relevant information including

- the employee's version of events and explanation
- all mitigating factors
- all aggravating factors



Contents of Discipline Letter

A discipline letter must include


1. Description of the misconduct
2. Factors considered in selecting the level of discipline
3. Disciplinary measure being issued
4. Expectations for future behaviour
5. Consequences for failing to abide by the expected standards of conduct in future
6. Mention that the letter will be placed on the employee's file for a period of two (2) years (exception: oral reprimand) *
7. Employee Assistance Program - availability and contact

**Consult the relevant collective agreement for more information.*



Ensure Follow-up to Avoid Repetition or Recurrence

- Provide a copy of the letter of discipline to the employee.
- Provide a redacted copy to compensation (if needed).
- Place a copy of the letter of discipline on the employee's file.
- Take any additional measures necessary to prevent future misconduct (e.g. provide refresher training if necessary)
- Collective agreements require that any written record of discipline be destroyed after two (2) years have elapsed since the disciplinary action was taken, provided that no further disciplinary action is recorded during this period.



Redress

Any management decision can be grieved.

For example,

- Oral and written reprimands can be grieved to final level.
- Suspensions without pay, financial penalties, demotions and terminations can be grieved up to final level and/or referred for adjudication.
- A manager's interpretation or application of an article of the collective agreement.*

*Individual grievances related to the interpretation of a provision of the collective agreement must be supported by the bargaining agent when referred for adjudication.

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WHAT CAN BE ADJUDICATED?

The following may be referred for adjudication, as outlined in subsection 209(1) of the ***Federal Public Sector Labour Relations Act***:

- (a) the interpretation or application in respect of the employee of a provision of a collective agreement or an arbitral award;
- (b) a disciplinary action resulting in termination, demotion, suspension or financial penalty;
- (c) in the case of an employee in the core public administration,
 - (i) demotion or termination under paragraph 12(1)(d) of the ***Financial Administration Act*** for unsatisfactory performance or under paragraph 12(1)(e) of that Act for any other reason that does not relate to a breach of discipline or misconduct, or
 - (ii) deployment under the ***Public Service Employment Act*** without the employee's consent where consent is required; or



Common Types of Misconduct

- Insubordination;
- Failure to comply with a rule or regulation (wilful or negligent);
- Off-Duty misconduct;
- Inappropriate behaviour towards colleagues or the public;
- Misuse of electronic system / inappropriate accessing of operational databases.
- Violation of Arming Policies (including storage and handling)



Discipline Application

- Questions?
- Case Studies

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Case Study #1

Finance notifies you that one of your employees has not paid the outstanding balance on their government travel card. Finance has de-activated the card and paid the debt of \$1,500. You learn that the debt was incurred when your employee made several cash withdrawals at a Reno ATM when she was on vacation there six months ago. When you talk to the employee, she appears surprised that you're asking her about it. She thought she could use the card for her own purchases since the bill comes to her home. The card is in her name, and she pays the debt herself. She's sorry about the debt and will pay it off as quickly as she can.

What information would you gather initially?

- Conduct a fact-finding interview with employee
- Obtain a copy of the Travel Card message that Finance sends out annually, or obtain from LR
- Inquire as to whether the employee has an acquisition card as well and if so, obtain usage report
- Inquire as to whether or not they are a petty cash holder and if so, verify the petty cash
- Verify whether or not the employee was on travel status at the time of the purchases
- Obtain a copy of the agreement they signed in relation to the card

What laws, policies or rules are invoked in this situation?

- CBSA Code of Conduct
- Government Travel Card Policy
- Financial Administration Act
- Values and Ethics Code for the Public Sector

Is there a reason not to proceed on a disciplinary track?

- No – Consider discipline
- Other considerations include: possible addiction? Disability? Doctor's note/medical information? – These are all mitigating should they be present, however that does not mean that the actions/behavior were not culpable
- Monetary Issues – Security review?

Are there any special challenges or considerations in this situation?

- Is the employee remorseful? The employee had not paid the debt on the card for 6 months and did not bring it to management's attention.

What steps should you, as the manager/superintendent take in this situation?

- Refer up to regional PSI
- Security should review and may even conduct a credit check etc.
- Cancel the card/suspend or remove it if necessary keeping in mind that discipline is meant to be corrective.
- If card is reinstated, follow up, conduct spot checks to monitor the situation/use
- Verify whether or not they still require a card

Case Study #2

You find a print-out of a Facebook page in your Inbox. You recognize it as the Facebook page of a BSO stationed in a small outpost. He reports to you. In his Facebook photo he's in uniform with his flash clearly visible. He's sitting on a park bench, well-groomed and smiling. In the "Employment" section of his Facebook page, he identifies himself as working for CBSA. In the "What's on your mind?" section of the Facebook page, the following comment appears (it's dated the previous evening): "Two hours to my DOR! If I can just stay awake two @#!&* hours!"

What information would you gather initially?

- Obtain a copy of the BSO's schedule to verify they were on shift
- Verify whether the print-out is credible
- Review the profile and comment and obtain the time and date stamp if not already provided on the print-out
- Look at the other comments and review the profile

What laws, policies or rules are invoked in this situation?

- CBSA Code of Conduct – electronic devices, social media, off-duty conduct, uniform policy/standards
- Electronic Network Policy

Is there a reason not to proceed on a disciplinary track?

- No – Consider discipline (unless it is determined the profile was hacked)
- Is this a brand new employee?

Are there any special challenges or considerations in this situation?

- Length of service – Is this a new employee?
- Was the employee on a break? This could be mitigating although does not necessarily mean the action was not culpable.

What steps should you, as the manager/superintendent take in this situation?

- Refer up to regional PSI
- Conduct a fact-finding

Case Study # 3

You have just taken over a unit where six staff have gotten away with everything but murder for a number of years. They are one big happy family that pretty well does as it pleases.

Among their unacceptable habits are:

- **Excessive personal telephone calls**
- **Long coffee breaks and lunch periods**
- **Over use of casual sick leave**
- **Generally poor quality and quantity of work performance**
- **Incessant gossiping**

You're frustrated with the whole situation and want to take steps to correct it.

What information would you gather initially?

- Determine whether or not the behavior of the team has ever been addressed formally/previously by management
- Document the behavior – start “building the file”
- Are all employee's involved in the behavior?
- Look into the past practices

What laws, policies or rules are invoked in this situation?

- Collective Agreement – Hours or Work
- CBSA Code of Conduct
- Have there been any messages sent out previously reminding or informing employees of the policies, rules etc?

Is there a reason not to proceed on a disciplinary track?

- There is reason to not proceed – management has possibly condoned the behavior in the past and therefore expectations need to be made clear to employee's

Are there any special challenges or considerations in this situation?

- As a new manager to the unit, employees are not yet aware of your expectations

What steps should you, as the manager/superintendent take in this situation?

- Make the expectations clear with all employees – meet with them and then follow up in writing to ensure they are clear
- “Reset” the office – as a new manager to the unit, it is the perfect time to establish the expectations regarding behavior, policies etc.
- Be clear that the past practices are now in the past and the new practices will be adhered to going forward and remind employees of the consequences of not following
- Engage the Union
- Communication is key

Case Study #4

You receive a copy of a Ministerial complaint. A traveler alleges that a BSO was extremely rude to him and his wife. The traveler also thinks the secondary search was malicious on account of his skin color. He was travelling in a 'caravan' with six other cars. Everyone in the caravan had children who were playing in a hockey tournament in the States. Of all the hockey parents, he and his family are the only 'persons of color' and theirs was the only car pulled over for a secondary.

What information would you gather initially?

- Review the complaint
- Obtain a copy of the BSO's schedule
- Contact the complainant
- Obtain a report from the BSO
- Review IPIL passenger history
- Obtain and review the CCTV footage (with RDG approval)
- Determine why they were referred – could have been random
- Obtain and review previous complaints (if there are any)

What laws, policies or rules are invoked in this situation?

- CBSA Code of Conduct – Contact with the Public (Professionalism)
- Processes?

Is there a reason not to proceed on a disciplinary track?


- If the referral was random and the BSO acted professionally, no need to proceed
- If complaint is founded (based on fact-finding), proceed

Are there any special challenges or considerations in this situation?


- Travelers can become upset when referred for secondary examination

What steps should you, as the manager/superintendent take in this situation?

- Refer up to regional PSI if the decision is to proceed
- Respond to the Ministerial Complaint
- Review the situation and the available facts to determine whether misconduct occurred




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Roles and Responsibilities of the Parties


Leading at the Frontline
Reviewed by LRCD February 2019



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Roles and Responsibilities of the Parties

- **Objective(s):** At the end of this module participants will understand:
 - Basic management roles and responsibilities;
 - Management authority in the context of labour relations;
 - Basic roles and responsibilities of employees, union, and Labour Relations advisors;
 - Understand that good labour-management relations improves employee morale and increases productivity.

PROTECTION - SERVICE - INTEGRITY

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CBSA Manager

Within the scope of a manager's job description and in support of the mission and mandate of CBSA, the role and responsibilities of a manager include:

- Plan, organize and implement work production using the allotted and available resources;
- Assign work, provide information, training, and direction to employees to ensure the work is done in the prescribed manner;
- Monitor, evaluate and provide feedback on work performance, output, and employee conduct to ensure standards of performance and conduct are met or exceeded;
- Ensure compliance with laws, collective agreements and policies;
- Perform other duties as required by senior management;
- Ensure a safe, productive and healthy work environment for all employees.

PROTECTION - SERVICE - INTEGRITY

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Sources of Management Authority

- Legislation
 - *Financial Administration Act (FAA)*
 - *Federal Public Sector Labour Relations Act (FPSLRA)*
- Contracts (e.g. collective agreements)
- Policies
- CBSA Instruments of Delegated Authority
- Case law and adjudication decisions

Also, the concept of "residual rights".


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Delegation of Human Resources Authorities

- The Treasury Board Secretariat is responsible for people management in the Core Public Administration. Much of this authority has been delegated to Deputy Heads of Departments and Agencies (e.g. the President of the CBSA).
- The President of the CBSA has, in turn, sub-delegated many authorities to managers through the Departmental Delegation of Authorities Instruments.
- All labour relations authorities that have been delegated to managers and are set out in the CBSA Delegation of Authorities, which is available on Atlas.

PROTECTION - SERVICES - SÉCURITÉ




Residual Rights

The theory that management has the freedom to act except where this freedom is limited by legislation or provisions of a collective agreement. Residual rights exist even if there is no disposition to that effect in a collective agreement.

A "residuals rights" clause is part of the FB Collective Agreement:

Article 6: managerial responsibilities
 6.01 Except to the extent provided herein, this agreement in no way restricts the authority of those charged with managerial responsibilities in the public service.

PROTECTION - SERVICES - SÉCURITÉ




Collective Agreements and Employer Policies

Collective Agreements

A collective agreement is a legal contract between the employer and the bargaining agent (union) representing certain groups of employees. Managers are required to implement (follow) the terms of the collective agreement.

Employer Policies


- The Treasury Board Secretariat (TBS) is the employer for the Core Public Administration and has numerous policies and directives in all areas of people management.
- The CBSA also has various policies and directives that have been endorsed by senior management and which managers are required to follow.



Terms and Conditions of Employment


- **TBS Directive on Terms and Condition of Employment (DTCE)** and other policies* address matters not found in collective agreements or legislation
- TBS directs the terms and conditions for employees who are unrepresented or excluded (e.g. EX and PE)
- Students are governed by the **TBS Terms and Conditions of Employment for Students** and the relevant collective agreement
- Where there is a conflict, the provisions of the collective agreement prevail over TBS policy.

**e.g. TBS Directive on Leave and Special Working Arrangements*



Past Practice

- There are two ways in which a past practice may limit management rights:
 - If management fails to exercise a right specified in legislation / collective agreement.
 - If management provides a benefit outside of the collective agreement (i.e. benefit to which the employee is not entitled).
- A past practice may be changed by giving reasonable notice to employees.



Jurisprudence

- Jurisprudence (case law) provides guidance and may limit our options in a given situation.
- Jurisprudence tells us how third party decision-makers are interpreting legislation, collective agreements and employer policy.
- Third-party decision-makers are judges in a court of law or adjudicators in administrative tribunals such as the Federal Public Sector Labour Relations and Employment Board.
- Decisions of the NJC Executive Committee also provide guidance and can only be appealed by bargaining agents.

PROTECTION - SERVICE - SÉCURITÉ

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Roles & Responsibilities

- **Employees**
- **Union/Bargaining Agent**
- **Labour Relations Advisors**

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Employee Responsibilities

Employee responsibilities include:

- Performing the duties of their position in the manner prescribed by management;
- Complying with management direction;
- Complying with all laws, employer policies and the collective agreement;
- Contributing towards a safe, productive and healthy work environment.

PROTECTION - SERVICE - SÉCURITÉ

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Employee Rights

Work-related protections prescribed by legislation*, the collective agreement or employer policy

Supervisors must ensure that employee rights are respected. Some basic employee rights are:

- Right to union representation (see notes);
- Right to file a grievance;
- Right to a healthy and safe work environment;
- Right to refuse dangerous work;
- Right to work in the official language of their choice; and
- Right to a workplace free from discrimination and harassment.

**e.g. Federal Public Sector Labour Relations Act*




Union/Bargaining Agent

Union is the term we commonly use to refer to bargaining agents. Unions are employee organizations, that is, organizations that are formed to represent the interests of a group of employees in the workplace. Unions and union activities are governed by the FPSLRA.

Union Responsibilities

- Collective bargaining
- Representation in the grievance process
- Political Action and Lobbying
- Classification Studies
- Appeal Representation




Bargaining Agent

Bargaining agents are employee organizations that have been certified by the Federal Public Sector Labour Relations and Employment Board to represent particular groups of employees in various activities (e.g. collective bargaining, unfair labour practices, grievances, strikes, etc.)

- The **Public Service Alliance of Canada** is a bargaining agent that represents many groups of employees (e.g. PA, FB,). The PSAC has many **components** such as the Customs and Immigration Union.
- The **Professional Institute of the Public Service of Canada** is the bargaining agent that represents several other groups of employees (e.g. CS).

Unions refer to employees as their “members”.




Labour Relations Advisors

- Role is to assist and/or represent management;
- Provide advice and guidance to management;
- Provide interpretations of the collective agreement, legislation, etc. as needed;
- Validate decisions and consult Corporate Labour Relations (national HQ) when required; and
- Promote best practices for people management;
- Promote an open dialogue and a harmonious Union-Management relationship.

*Employees needing assistance should discuss their questions or concerns with their immediate supervisor.

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Final Tips for Exercising Managerial Authority

- If you have to say "no", explore options with the employee and/or the union. It is best to provide a rationale for your decision;
- Be sympathetic but firm when applying the collective agreement or enforcing a rule;
- Consult your manager and/or Labour Relations if you're unsure;
- You may have the 'right' to do something, but it may not be the 'right' thing to do;
- Never let personality conflicts guide your decision-making;
- Be consistent when dealing with employees and the union (both within your management team & between employees);
- Don't forget to apply human values to decision-making.

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Roles and Responsibilities

--QUESTIONS/COMMENTS--

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Structure of a Collective Agreement

- Articles, clauses (usually 50 to 60)
- Rates of pay
- Other Appendices (e.g. Workforce Adjustment)
- Memoranda of Understanding

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Collective Agreements


What is negotiable?

- Monetary: salary, allowances, premiums, overtime rate
- Non-monetary: managerial responsibilities, bargaining agents rights, types of leave, working conditions

What is not negotiable?

- Staffing (PSEA)
- Pension (PSSA)
- Classification (right of employer to organize the work)
- Any term and condition that would require legislation or legislative amendments
- Personal Injury and Compensation (GECA)

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Residual Rights

The theory that management has the freedom to act except where this freedom is limited by legislation or provisions of a collective agreement. Residual rights exist even if there is no disposition to that effect in a collective agreement.

A "residuals rights" clause is part of the FB Collective Agreement:

Article 6: managerial responsibilities

6.01 Except to the extent provided herein, this agreement in no way restricts the authority of those charged with managerial responsibilities in the public service.

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Directive on Terms and Conditions of Employment

- Policy of the Treasury Board Secretariat (TBS)
- Provides sound, consistent and effective practices with respect to the administration of terms and conditions of employment.
- Addresses provisions not covered in the Collective Agreements
- Establishes working conditions for represented employees as well as unrepresented and excluded employees.

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Directive on Terms and Conditions of Employment

- Applies to persons appointed to the core public administration as defined in section 11 of the *Financial Administration Act*, unless excluded through specific acts, regulations or Orders in Council.
- This includes persons appointed as:
 - indeterminate;
 - term of three months or more or term less than three months;
 - casual worker;
 - as and when required basis;
 - seasonal worker;
 - excluded employee or in an unrepresented group;
 - part-time; or
 - part-time worker

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National Joint Council (NJC) Policies

- Deemed to be part of Collective Agreements
- Developed in partnership by employer and bargaining agent representatives at the National Joint Council
- Provisions also apply to persons not covered by collective agreements
 - Travel Directive
 - Relocation Directive
 - Isolated Posts and Government Housing Directive
 - Foreign Services Directive
 - Occupational Safety and Health Directive

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NJC Directives (Policies) not found in the Collective Agreement

- Public Service Health Care Plan
- Public Service Dental Care Plan
- Disability Insurance Plan
- Payroll Deductions with Retroactive Effect
- Policy on Official Languages
- Joint Health Insurance Premiums

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Unrepresented and Excluded

“Unrepresented” means an **employee** who is not represented by a bargaining agent (e.g. EX, PE). These employees follow the terms and conditions of the Program and Administrative Services (PA) Collective Agreement.

“Excluded” means a **position** that would ordinarily belong to the bargaining unit but has been excluded due to the managerial or confidential nature of the duties of the position. The incumbent of an excluded position does not belong to the union or pay union dues but follows the terms and conditions of the relevant collective agreement.

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Impact of Correct Application

- Clarifies ambiguous situation
- Builds confidence and respect for management
- Confines further changes to the interpretation of the actual wording
- Provides sound basis from which to defend grievances

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Impact of incorrect application

- Deprives employees of benefits to which they are entitled
- Causes confusion or dissension in the work area over unequal or unfair application
- Could establish precedents (past practice) and creates a liability for the Agency
- Could cause disagreement with bargaining agents and tarnish the labour-management relationship

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General Principles

- Always refer to the relevant collective agreement;
- Ensure that the appropriate article is at stake.
- "Specific" language always has precedence over "General" language
- Do not interpret the language by giving it a broader/ narrower meaning than what was originally intended.
- If unsure of the application, managers are encouraged to contact Labour Relations.


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Language of Collective Agreements

It is important to pay attention to the terminology used in the provision in question

- "subject to operational requirements"
- "at its discretion, the Employer **may**..."
- "The Employer **shall**..."
- « The Employer will make **every reasonable effort** »
- "Shall not be unreasonably denied"


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Managerial Discretion


- Verify that the provision in question does grant the discretionary authority to the manager/supervisor.
- Verify that you are authorized to exercise this discretionary authority.
- Determine the limits of the discretionary authority –verify the provision in question, verify other articles, current principles of management, policies and departmental directives.
- Never forget the spirit of the text and remain objective.
- Verify Agency and TB policies and precedents.
- Do not hesitate to consult the Labour Relations Division as well as the Pay and Benefits Section

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Can you, as a manager, request proof that the employee meets the conditions before granting the requested leave?


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A Few Extra Notes About the Collective Agreement ...

- New or modified provisions in a collective agreement are marked by a double asterisk (**)
- It is very important to read the entire article to determine degree of discretion, eligibility requirements and restrictions
- Excluded and Alternate Provisions:
 - Either or both may be found at the beginning of an article
 - Excluded provision: a provision which may have no application to a certain group of employees and for which there are no alternate provisions.
 - Alternate provision: means a provision of the agreement which may only have application to certain employees.

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Collective Agreement Application

- Questions?
- Case Studies

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Leading the Frontline for Managers – CA Case Studies – Questions

Reviewed by LRCD March 2019

Case Study #1

Rita Sloan (AS-02) calls in early Monday morning and informs you that her child is sick with a high fever. Rita advises you that she will not be reporting for work.

Since the beginning of the fiscal year, she has taken 4.5 days of leave with pay for family related responsibilities. 3.5 of the days were taken immediately before or immediately after days of rest. Rita enters her leave in the system when she reports for work on December 29th.

What actions would you take? Provide the references to justify your decision.

Answer:

Case Study #2

One of your most dedicated FB-03 Border Services Officers submits a request for court leave in order to provide "emotional support" to her 26 year old daughter who is facing criminal charges.

Would you grant the request and why?

Answer:

Case Study #3

An employee (CR-04) finds out on Friday afternoon that her step-grandfather has passed away and requests bereavement leave. The employee lives in the same city as her step-grandfather. The funeral is scheduled to take place the following Monday.

Should management grant the request? Please explain.

Answer:

Case Study #4

A new FB employee has just been transferred to your team. You note that he is very impatient with clients. Upon reviewing his file, you find that the employee has refused to take any holidays over the past 3 years (total of 45 vacation days). You further note that nothing has been done to address the issue. You feel that the employee's performance would improve if he took a break from the pressures of work.

How would you handle the situation? Support your decision by referencing the relevant authorities of the collective agreement.

Answer:

Leading the Frontline for Managers – CA Case Studies – Questions

Reviewed by LRCD March 2019

Case Study #5

John Atkins (CR-04) is a single parent who has a four year-old daughter in daycare. One Sunday evening, he receives a call from the daycare advising him that there is no heat in the building and that it will take until Thursday to make the necessary repairs. This means the daycare will be closed for the first three days of the week. When he calls on Monday, John is told that his absence is authorized and to sort out the leave code when he returns. When John returns on Thursday, he asks you if he can use article 53 - Leave With Pay for Other Reasons to cover his absence.

What type of leave would you grant John? Justify your answer using the provisions of the relevant collective agreement.

Answer:

Case Study #6

Rodney Jones (CR-05) submits a request for 2 years of leave without pay for the care of family to look after his 3-year-old son starting next Monday. This is a big problem for you because of the short notice and the fact that you had assigned several important projects to Rodney because he is very knowledgeable in the computer field. Rodney has been a CR-05 since 1985 and in your unit since 1990.

What actions would you take? Justify your actions using the collective agreement.

Answer:

Case Study #7

John Black (FB-03) was about to leave his residence to work his shift as a Border Services Officer at the Calgary International Airport when he discovered that his vehicle had been stolen. He called management to advise what happened and that he would not be reporting for work. His regularly scheduled shift was from 0800 to 1800.

Upon his return to work, John requests article 52 - leave with or without pay for other reasons. Would you grant this request and why?

Answer:

Case Study #8

A FB-03 employee is absent from work for the reasons identified below. The employee requests article 46 - Bereavement leave for the death of their parent.

Would you grant the request? Please explain.

Reasons

1. Leave without pay for the care of family
2. Vacation leave
3. Compressed day

Leading the Frontline for Managers – CA Case Studies – Questions
Reviewed by LRCD March 2019

Answer:

Case Study #9

Last Tuesday, Jack Brown (AS-01) submitted a request for vacation leave for the following Friday. You immediately explained to Jack that, unfortunately, you were not able to grant his request because of operational requirements. Jack responded that he understood and you considered the matter closed. On Friday morning, upon arriving for work, you have a voicemail from Jack informing you that he is sick and will not be coming in.

What would you do?

Answer:

Case Study #10

An FB-01 indeterminate employee works Monday to Friday, 07:30 to 15:30. The Employee applies for a position and is invited to attend an interview as part of the selection process. The interview is scheduled from 13:30 to 16:00 the following Monday.

- a) How much personnel selection leave is the employee entitled to?
- b) If the employee were appointed for a term of less than three months, would the entitlement be the same? Why?

Answer:


Canada Border
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Misconduct and
Discipline

Leading at the Frontline
Reviewed by LRCD February
2019

Canada

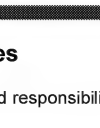
Canada Border
Services Agency

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Learning Objectives

- The basis of management's authority and responsibility to respond to misconduct
- Define 'misconduct' and 'discipline'
- The Discipline Process – A Practical Step by Step Guide:
 - Finding the Facts
 - The disciplinary hearing
 - When to discipline & alternatives to discipline
 - Quantum of discipline
 - After the discipline – the follow-up.

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Authorities & References

- Section 12 (1) (c) of the *Financial Administrative Act* (FAA)
- Collective Agreements
- Employer Policy
 - Treasury Board Secretariat (TBS) Guidelines on Discipline
 - TBS Policy on Harassment Prevention and Resolution
 - Values and Ethics Code for the Public Sector
 - CBSA Code of Conduct
 - CBSA Discipline Policy and Guidelines
 - Many more
- CBSA Instrument of Delegated Authorities

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3

1




Managers' Role and Responsibility to Respond to Misconduct

- Take steps to prevent misconduct.
- **Report all alleged misconduct to the Security and Professional Standards Directorate (SPSD)**
- Investigate allegations and observations of apparent misconduct.
- Take corrective measures when warranted.
- Terminate employment if management determines that the employee cannot be rehabilitated (when the bond of trust between the Employer and the employee has been irrevocably broken).

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Other Roles

- **Employee***: responsible to conform to expected standards of conduct.
- **Regional Labour Relations Advisor**: assist the manager in investigation, analysis, and disciplinary hearing. Make recommendations on whether to discipline and quantum of discipline, in consultation with Corporate Labour Relations (using departmental standards and case law).
- **Union representative**: collective agreement gives an employee the right to have a representative at meetings related to discipline.
- **Security and Professional Standards Directorate (SPSD)** : conducts investigations into allegations of misconduct against CBSA employees (usually criminal allegations, breaches of the legislation CBSA enforces, arms violations and serious security risks) and oversees local investigations.

**The term "employee" includes management*

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Preventing Misconduct

- Adequate supervision and mentoring
- Education and communication
 - Employees have a right to know what actions or inactions may lead to discipline.
 - One reason the **CBSA Disciplinary Measures Framework** was introduced
- Consistent application and enforcement
 - A rule that is not applied cannot be broken.
 - If a rule is sporadically enforced, it may be presumed that breaking it is OK.
 - Consistent application between employees
 - Consistent application between individual managers
- *"If you're going to **talk the talk**, you've got to **walk the walk**"*
 - Management is held to a higher standard of behaviour
 - Management is expected to lead by example.

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Identify and Verify that an Act of Misconduct Took Place

- Manager is aware of an event or behaviour that may be misconduct (by observation, information, complaint, allegation).
- Advise Regional PSI Unit and Labour Relations of incident
- Fact-finding/administrative investigation (SPSD will determine responsibility for investigation)
- Determination that misconduct occurred.

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What is 'Misconduct'?


Misconduct is defined as

A wilful action or inaction by an employee in contravention of the **CBSA Code of Conduct**, the **Values and Ethics Code for the Public Sector** or any other relevant employer policy, directive, guideline, rule or standard of conduct.

Important: Misconduct is culpable behaviour.

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Administrative Measures Prior to Discipline


- Discussion with the employee (informal warning) to point out what they did wrong and ways to avoid it in future
- **Expectations Letter** – a letter that outlines all of the expected behaviours, the requirement and importance of following current policies, rules, procedures, instructions, etc. and the possible consequences of failing to respect them in future
- Other ways to prevent misconduct
 - Adequate supervision; coaching/mentoring; refresher training

New to the FB Collective Agreement**

- Appendix H – Memorandum of Agreement on Administrative Suspensions Pending Investigations

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Basic Concepts of Discipline


Discipline is defined as a carefully considered action such as an oral or written reprimand, suspension without pay, financial penalty, demotion or termination of employment.

Some guiding principles on discipline:

- Discipline is intended to be corrective, not punitive
- Discipline must be proportionate to the misconduct, unless there is current discipline on file
- If there is current discipline* on file, progressive discipline must be used
- Discipline must be timely

**Consult the relevant collective agreement for more information.*


PROTECTION • SERVICE • INTEGRITY 10



Other Concepts Related to Discipline

- Procedural Fairness
- Double Jeopardy
- Just Cause
- Culminating incident
- Burden of Proof
- Evidence
- Standard of Proof
- Disciplinary documents
- Misconduct is not silo' d or streamed into categories of inappropriate behaviour: misconduct is misconduct.

PROTECTION • SERVICE • INTEGRITY 11




Meeting with the Employee

- Where practicable, the employee shall receive a minimum of two (2) days notice of such a meeting.**
- Employee is entitled to union representation, if they want it
- The purpose of **pre-discipline** is to
 - present the results of the investigation (or prior).
 - obtain the employee's version of events;
 - obtain any other information the employee feels is relevant
- It is important to take accurate notes at pre-discipline and to provide a copy to Regional Labour Relations.

**Consult the relevant collective agreement for more information.*

PROTECTION • SERVICE • INTEGRITY 12




Disciplinary measures

- Oral reprimand
- Written reprimand
- Suspension without pay*
- Financial penalty
- Demotion
- Termination of employment
 - Used only in cases of very serious misconduct; culminating incidents or; progressive discipline.

*Not to be confused with administrative or indefinite suspension without pay pending investigation

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Choice of Disciplinary Measure

- Discipline must be considered on a case by case basis, according to the unique facts surrounding an incident.
- The **CBSA Disciplinary Measures Framework** is intended to provide general guidance on recommended ranges of discipline for various misconduct, when there is no current discipline on the employee's file
- What disciplinary measure is needed to correct the misconduct? This depends on:
 - The seriousness of the misconduct
 - Link between the misconduct and the employee's duties
 - Disciplinary record (increasing severity with repeated offences)
 - Other circumstances (any mitigating or aggravating factors)

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Mitigating and Aggravating Factors

Examples of **mitigating factors**:


- No current discipline on file (isolated incident)
- Years of service*
- Provocation, remorse
- Rules not clearly communicated, rules not consistently enforced
- Management participation

Examples of **aggravating factors**:

- Pre-meditation
- Failure to recognize the seriousness of the behaviour
- Employee is not forthcoming
- Link between the misconduct and the employee's duties

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Scenario

Your employee has accessed a GCMS file in order to check a friend's application. Your employee is a stellar officer with no current discipline on file. You want to issue a written reprimand. Your Labour Relations Advisor recommends that you issue a one-day suspension without pay.

You are very frustrated and fear that the RDG may get involved unless you follow the recommendation of regional and/or corporate labour relations.

What should you do?

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Meeting at which discipline is rendered

- Takes place a few days or weeks after pre-discipline
- Manager has made an informed decision on discipline
- Schedules a meeting with a minimum of two days notice
- Reminds the employee of their right to representation during the meeting;
- Provides his/her decision to the employee (letter of discipline)

**Consult the relevant collective agreement for more information.*

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Contents of Discipline Letter

A discipline letter must include

1. Description of the misconduct
2. Factors considered in selecting the level of discipline
3. Disciplinary measure being issued
4. Expectations for future behaviour
5. Consequences for failing to abide by the expected standards of conduct in future
6. Mention that the letter will be placed on the employee's file for a period of two (2) years (exception: oral reprimand) *
7. Employee Assistance Program - availability and contact

**Consult the relevant collective agreement for more information.*

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Ensure Follow-up to Avoid Repetition or Recurrence

- Provide a copy of the letter of discipline to the employee.
- Provide a redacted copy to compensation (if needed).
- Place a copy of the letter of discipline on the employee's file.
- Take any additional measures necessary to prevent future misconduct (e.g. provide refresher training if necessary)
- Collective agreements require that any written record of discipline be destroyed after two (2) years have elapsed since the disciplinary action was taken, provided that no further disciplinary action is recorded during this period.

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Redress

Any management decision can be grieved.

For example,

- Oral and written reprimands can be grieved to final level.
- Suspensions without pay, financial penalties, demotions and terminations can be grieved up to final level and/or referred for adjudication.
- A manager's interpretation or application of an article of the collective agreement.*

*Individual grievances related to the interpretation of a provision of the collective agreement must be supported by the bargaining agent when referred for adjudication.

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Common Types of Misconduct

- Insubordination;
- Failure to comply with a rule or regulation (wilful or negligent);
- Off-Duty misconduct;
- Inappropriate behaviour towards colleagues or the public;
- Misuse of electronic system / inappropriate accessing of operational databases.
- Violation of Arming Policies (including storage and handling)

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Discipline Application

- Questions?
- Case Studies

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Case Study #1

Finance notifies you that one of your employees has not paid the outstanding balance on their government travel card. Finance has de-activated the card and paid the debt of \$1,500. You learn that the debt was incurred when your employee made several cash withdrawals at a Reno ATM when she was on vacation there six months ago. When you talk to the employee, she appears surprised that you're asking her about it. She thought she could use the card for her own purchases since the bill comes to her home. The card is in her name, and she pays the debt herself. She's sorry about the debt and will pay it off as quickly as she can.

What information would you gather initially?

What laws, policies or rules are invoked in this situation?

Is there a reason not to proceed on a disciplinary track?

Are there any special challenges or considerations in this situation?

What steps should you, as the manager/superintendent take in this situation?

Case Study #2

You find a print-out of a Facebook page in your Inbox. You recognize it as the Facebook page of a BSO stationed in a small outpost. He reports to you. In his Facebook photo he's in uniform with his flash clearly visible. He's sitting on a park bench, well-groomed and smiling. In the "Employment" section of his Facebook page, he identifies himself as working for CBSA. In the "What's on your mind?" section of the Facebook page, the following comment appears (it's dated the previous evening): "Two hours to my DOR! If I can just stay awake two @#!&* hours!"

What information would you gather initially?

What laws, policies or rules are invoked in this situation?

Is there a reason not to proceed on a disciplinary track?

Are there any special challenges or considerations in this situation?

What steps should you, as the manager/superintendent take in this situation?

Case Study # 3

You have just taken over a unit where six staff have gotten away with everything but murder for a number of years. They are one big happy family that pretty well does as it pleases.

Among their unacceptable habits are:

- **Excessive personal telephone calls**
- **Long coffee breaks and lunch periods**
- **Over use of casual sick leave**
- **Generally poor quality and quantity of work performance**
- **Incessant gossiping**

You're frustrated with the whole situation and want to take steps to correct it.

What information would you gather initially?

What laws, policies or rules are invoked in this situation?

Is there a reason not to proceed on a disciplinary track?

Are there any special challenges or considerations in this situation?

What steps should you, as the manager/superintendent take in this situation?

Case Study #4

You receive a copy of a Ministerial complaint. A traveler alleges that a BSO was extremely rude to him and his wife. The traveler also thinks the secondary search was malicious on account of his skin color. He was travelling in a 'caravan' with six other cars. Everyone in the caravan had children who were playing in a hockey tournament in the States. Of all the hockey parents, he and his family are the only 'persons of color' and theirs was the only car pulled over for a secondary.

What information would you gather initially?

What laws, policies or rules are invoked in this situation?

Is there a reason not to proceed on a disciplinary track?

Are there any special challenges or considerations in this situation?

What steps should you, as the manager/superintendent take in this situation?

Notes to Facilitator:

Thank you for agreeing to facilitate the “**Leading at the Frontline**” workshop. Your role is crucial in ensuring that this program is delivered as planned. This workshop draws on the expertise of several subject matter experts within the Canada Border Services Agency (CBSA) but as the workshop facilitator, you are the constant presence for the participants.

The information below is provided to assist you as you lead the various phases of the workshop including facilitating the opening of and the content of Day 1, the morning of Day 5 and the closing. It also describes the materials that will be required to successfully deliver the 4.5 day program.

Target Audience:

This workshop has been prepared for supervisors and managers (FB5's, FB7's) who work on the front line of the CBSA and have supervisory responsibilities.

Purpose of the Workshop:

This workshop has been prepared in recognition of the importance of people management within the Agency. More specifically, a frontline management team with the right skills is of paramount importance. It is apparent that for the workforce to meet the business priorities that have been set out by the Agency, the organization requires a strong first level supervisory and manager group to lead the frontline officers.

Topics and Format:

The workshop builds on the various management development courses that are available through the Canada School of Public Service by delving into topics that are of particular to the CBSA.

The following topics will be addressed in Leading at the Frontline workshop:

- Leadership Profiles and Strategic Thinking;
- Professional Standards;
- Labour Relations;
- Leadership Conversations & Effective Feedback; and
- Consideration in Effective Leadership

This program has a modular format where learners will have an opportunity to learn directly from subject matter experts. It utilizes content that was first launched in the Prairie region and has been augmented with content from the various Offices of Primary Interest.

To facilitate this workshop, it is recognized that you likely delivered the Manager's Essentials or Supervisor's Essentials training or in the past.

Facilitator Responsibilities

As the facilitator of the workshop, you will have a number of different responsibilities. As indicated, the workshop will involve speakers who are specialists from a variety of different areas. As the facilitator, you will have an ongoing role during the workshop. Below you will find a list of activities which you will be responsible for during the workshop's opening, Day 1 and Day 5 topics; daily activities and finally closing activities.

Opening & Day 1

- Open each session, by welcoming participants and introduce oneself;
- Introduce the format of the session including identifying the topics to be covered and speakers who will be joining the workshop during the week;
- Review the weeklong schedule with the participants;
- Identify housekeeping particulars for each location;
- Describe the resources that will be received during the week;
- Conduct an ice breaker activity;
- **Note:** The ice breaker activity is to be conducted by the facilitator. An ice breaker has been provided among the resources for this workshop, it does require some initial preparations- printing 1 sheet of paper and cutting items into 20 pieces.
- Complete a workshop expectations activity;
- Conduct the discussion about "What is meant by Leading?"
- Conduct exercise for Leaders' Profile;
- Deliver content related to Strategic Thinking.

Note: A power point presentation and facilitator and participant guides have been provided to guide you through the content and activities that will be part of the Opening, Day 1 and Day 5.

Note: A pre-work document has been prepared and is to be sent to the participants with the joining instructions. This work must be completed by the participants prior to the **Day 4** session- Leadership Conversations.

Daily Activities

- Ensure that the printed handouts are all available.
- Start each day of the session by asking a few questions of review about the previous day's content. This recap can be done through a brief question or answer activity. This recap should only last about 15 minutes to ensure that the daily presenters have sufficient time for their respective content.
- Assist the individual speakers with distribution of any of the handouts for each session as requested or needed. Note most materials should have already been printed and provided to learners as pre-work content or as

- Introduce speakers;
- Manage the timing of each workshop presentation to ensure that the speakers are able to cover their content as expected;
- Maintain a parking lot list of outstanding items for each presenter;
- Distribute responses to any outstanding questions or parking lot items to the participants following the course;

Note: On Day 5, you will be leading the section related to Considerations for Effective Leadership. This content includes a power point presentation and facilitator and participant guide.

Closing Activities

- Recap the various topics that were shared by the presenters;
- Revisit workshop expectations and purpose of workshop; (Note: Do not try to take up every expectation again)
- Conduct self-reflection exercise;
- Identify the key resources or tools that are available i. wiki, links, etc.
- Inform participants if there are any outstanding parking lot items still to come and how that information will be sent to them;
- Inform participants that a course evaluation form will be provided to them via email.

Printing and Distribution of Documents

Each presenter will have a Power Point Presentation. These materials must be printed and assembled in the following order in the participants' binders. The presentations should be printed in black and white, double sided and with three slides per page.

Leading Frontline Facilitator Intro & Profiles

1. Professional Standards & Integrity
2. Labour Relations
3. Informal Conflict Management
4. Considerations in Effective Leadership

For each module where there are handouts (exercises and answer keys) to be printed, they should be printed as such

- double sided,
- three hole punched and
- not stapled

Note: The answers **for each unit** should also be printed and made available for each respective speaker. The answer sheets for the various packages should not be stapled as the exercises and answers **may be** distributed after the guest conducts the individual exercises.

Room Configuration:

To accommodate the 18 participants, the room should be configured where there are participants will be working in small groups of 4 or 5 participants.

2 tables with 4 participants

2 tables with 5 participants

(For 20 participants, establish 5 tables of 4 participants.)

It is also suggested that a table be provided for the facilitator at the back of the room.

4 flipcharts stands and markers required.

Documents for the facilitators

The facilitator will require a binder with all of the power point presentations. For the Introduction and Module 4 Considerations of Effective Leadership, the ppts should be printed with the speaking notes displayed.

It is suggested that the facilitator have all of the individual speaker's power point presentations and corresponding handouts with case studies and exercises printed so that any last minute printing requests can be prepared.

Contact Information

To provide suggestions about the workshop or to ask questions about the content of the course materials, please contact your Campus Training Coordinator by e-mail and it will be forwarded to the responsible unit in the Training and Learning Solutions Division.

Ice Breaker for Leading at the Frontline Workshop

Instructions:

Print the list of pairs which appear below. Cut the individual statements/names out so there are 18 or 20 pieces of paper depending on the number of participants in the class. (Ensure that there is an even number of pairs for the activity.) Fold each statement and place all statements into a container. Mix up the papers as much as possible. Have each person draw a statement and then locate the other half of their match.

Give participants 15 minutes to complete the ice breaker as a pair and then start the introductions.

After each participant pair speaks about their partners, ask them who or what were on the sheet of paper and what they have in common.

The answers to this ice breaker appear in the Speaking Notes of the **Leading at the Front Line Power Point Presentation**. Share them with the participants. There are often two items which make them alike.

A	B
Baby Ruth	Oh Henry
Labrador	Poodle
John A. MacDonald	John Turner
I'll make him an offer he can't refuse.	Frankly, my dear, I don't give a damn.
Ross Geller	Rachel Green
Vincent Massie	Julie Payette
Harry Potter	An Owl
Murray Sinclair	Beverley McLachlin
Rick Mercer	Shaun Majumder
Clara Hughes	John Montgomery

Answers:

1. Baby Ruth & Oh Henry— both chocolate bars - both named for real people – Babe Ruth and according to Nestle's site, Oh Henry was originally named after a boy who frequented the Williamson company. He flirted with the girls who made the candy. In the 1920's, the girls would say, “Oh, Henry.”
2. Labrador & Poodle - Types of dogs – both breeds are easy to train and shed minimally
3. John A. MacDonald & John Turner - both Canadian Prime Ministers both born in the United Kingdom - MacDonald - Glasgow, Scotland in 1815, & Turner – Richmond, England in 1929
4. “I’ll make him an offer he can’t refuse” and “Frankly, my dear I don’t give a damn”. - The Godfather and Gone with the Wind .. Both are movies that have a G in the title. Both academy award winners.
5. Ross and Rachel - Famous TV couple from the 90s
6. Harry Potter – The Owl —both fly and both can do magic
7. Julie Payette –Vincent Massey- Both Governors Generals of Canada
8. Murray Sinclair and Beverley McLachlin -- both are Canadian jurists Sinclair - Appointed to Court of Queens Bench of Manitoba; McLachlin was appointed as Chief Justice of Canada,
9. Rick Mercer and Shaun Majumder – both from Newfoundland and comedians
10. Clara Hughes and John Montgomery – both Olympic gold medalists and both red heads.

Leading at the Frontline

Hour	Day 1	Day 2	Day 3	Day 4	Day 5
8:00 – 12:00	Opening & Introductions Objective of the Workshop Format of the Sessions Leadership Profile & Strategic Thinking	(Recap Day 1) Professional Standards & Investigations	(Recap Day 2) Labour Relations	(Recap Day 3) Leadership Conversations	Considerations for Effective Leadership Closing Observations
Lunch					
1:00 – 4:00	Strategic Thinking & Coaching	Professional Standards & Investigations	Labour Relations	Effective Feedback	

Note: The timing of the morning and afternoon breaks will be scheduled and agreed to by the workshop facilitator and the individual speakers.






Leadership in Actions – Chief / Manager Profile

 CREATE VISION AND STRATEGY	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none">Aligns team/unit's activities with strategic goals.Considers how changes in the broader border management environment may impact team/unit's operations.Engages others to develop sound strategies and translate them into clear and concrete objectives.Generates enthusiasm and commitment to the vision of the team/unit and of the organization.Engages team to proactively generate ideas and actively participate in discussions on priority setting, and proposes potential direction to senior management.		
	70 % ON-THE-JOB EXPERIENCE <ul style="list-style-type: none">When possible, actively replace your director at a planning / strategic meeting and debrief him / her afterwardTake an assignment with a planning unitDo a job swap with another chief / manager to gain a broader perspective on different work environmentsWork with your teams to create a vision statement and share it with your director, your stakeholders, and amongst your teamsMake sure you have a solid understanding of the Agency context, drivers and prioritiesConsult with unit's stakeholders and work with your team to develop a strategy for a project and implement itConsider the impacts on other areas and districts, your director and employees before making a decision	20 % COACHING AND FEEDBACK <ul style="list-style-type: none">Seek feedback from your director, peers and employees to identify your blind spots and measure your professional progressOrganize site's visits for your employees to make them see the different aspects of the CBSAFind yourself a coach	10 % FORMAL TRAINING <p>CSPS:</p> <ul style="list-style-type: none">Risk Response and Control (X063)Developing the Strategic Thinking Skill of Seeing the Big Picture Course (X007) <p>OTHER</p> <ul style="list-style-type: none">Reading on leadership and guided self-reflection
	RESULTS <p>A clear and compelling vision linked to integrated border management is created and prompts people to action.</p> <ul style="list-style-type: none">The Agency moves from reactivity to proactivity through better environmental scanning.Strengthening the sense of duty, the importance of day-to-day work by contextualizing the team's efforts within the Agency.Understanding of the current situation facilitates engagement in the Agency's evolution.Everyone has a clear vision of the impact of their work and their contribution to the Agency as a whole and to the protection of the border.		

 MOBILIZE PEOPLE	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none">Provides employees with opportunities for development to help them reach their full potential.Recognizes individual or team's achievements and takes time to celebrate successes.Provides ongoing and honest feedback on employee performance and potential, and creates opportunities for two-way communication.Is willing to conduct constructive conversations on sensitive issues and deals with discipline matters in a timely and effective manner.Is visible, approachable and available.Shares information and the broad context to create a sense of common purpose and direction.Maintains/Displays a positive attitude to mobilize team in a dynamic operating environment.Supports a learning environment by taking responsibility for own career development and by displaying willingness to learn from and coach others."Sets a good example" by personally modeling desired behaviour.		
	70 % ON-THE-JOB EXPERIENCE <ul style="list-style-type: none">Take the time to talk and listen with intent to others; share stories, build relationship and show genuine interestShow respect for the values and skills of your team members; understand and appreciate themHave real and honest talent conversations with your employees about their development needs and performance, provide meaningful feedback about what you like and what you don'tFind ways to connect the career aspirations of your employees to organizational mission and visionWhenever possible, invite one of your employees to accompany you to your meetings	20 % COACHING AND FEEDBACK <ul style="list-style-type: none">When receiving and delivering feedback, make sure it is about the actions, not the personIn your one-on-one meetings with your superintendents / supervisors, ask directly how they are coaching people and giving feedback; in return guide them without dictating how to manage their employeesSeek feedback from your direct reports, invite candid open dialogue to build trust and environment where there is no fear of reprisalJoin the CBSA Managers' CommunitySeek advices from senior executives who have motivated you, or whom you admire their leadership style	10 % FORMAL TRAINING <p>CSPS:</p> <ul style="list-style-type: none">Management Essentials: Developing your direct reports (X029)Aspiring Directors Program
	RESULTS <p>CBSA employees are inspired, empowered, supported and strive for service and performance excellence.</p> <ul style="list-style-type: none">Trusting relationships are established.Everyone is motivated and productive.Everyone feels valued and confident in their abilities.Everyone is committed to a common goal.		

 UPHOLD INTEGRITY AND RESPECT	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none">Builds and promotes a bilingual, diverse and inclusive organization, free from harassment and discrimination.Solicits and respects a diversity of competencies, views and mindsets, and is open to being challenged.Demonstrates integrity, civility and respect in interactions with colleagues, partners and the public in order to sustain mutual trust.Acts with transparency and fairness in all dealings, and takes responsibility for own mistakes.Models ethically exemplary conduct and consistently behaves in a way that upholds and defends CBSA values and meets the expected standards of the Code of Conduct.Demonstrates impartiality, professionalism, and service excellence when faced with significant opposition or challenges from others, and in highly stressful or critical situations.Actively contributes to workplace well-being, physical and mental health, and a safe and respectful organization.Acts in support of an open and safe workplace atmosphere in which individuals feel encouraged to raise, discuss and address sensitive or ethical issues.Proudly defends the interests of the public.Demonstrates empathy and shows concern for people and the work they are doing.		
	70 % ON-THE-JOB EXPERIENCE <ul style="list-style-type: none">Realize your tendencies and biases, communication style and natural reactions to people different from you in some way, analyze why and adjust yourself accordinglyManage integrity risk; you need to know your employee to assess that riskSpeak truthfully with integrity and respectHave an "open door" policy for all when it comes to ethics, professionalism, integrity, wellness and workplace wellbeing issuesOrganize and lead a session with speakers from EAP and ICMS on harassment and discriminationHave discussion on the power or words and how it varies depending on the context	20 % COACHING AND FEEDBACK <ul style="list-style-type: none">Participate in learning circles on sensitive issuesFind a coach or a mentor to assist you when dealing with sensitive issues that makes you uncomfortable or that you find difficult to deal withConsult with your ICMS advisor on tips and tricks about feedback, difficult conversations, coaching, etc.	10 % FORMAL TRAINING <p>CBSA:</p> <ul style="list-style-type: none">Ethical Leadership and Professional Integrity Awareness (H7115-P) <p>CSPS:</p> <ul style="list-style-type: none">Workplace Accommodation for Federal Public Service Employees (C345)Management Essentials: Managing a Diverse Team (X140)Relax! (Z051)
	RESULTS <p>The CBSA is a respectful and trusting work environment where integrity is protected and exemplified.</p> <ul style="list-style-type: none">Everyone actively reinforces and contributes to the image of integrity and professionalism expected of an enforcement organization.We have rich multidisciplinary working environments.The Agency has open and respectful workplaces.Working relationships are more harmonious.		

 COLLABORATE WITH PARTNERS AND STAKEHOLDERS	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none"> Enlists the support and trust of key individuals/stakeholders and consults effectively when appropriate. Seeks, forms and maintains relationships and alliances with a broad range of individuals, partners and stakeholders to achieve common security and prosperity goals. Works effectively with others to advance broad-based initiatives and follows up to ensure completion. Clearly and tactfully communicates own needs, perspectives and backgrounds, and objectively considers those of a wide-range of stakeholders. Actively listens to others and genuinely values and respects their input and expertise. Encourages others and acknowledges their contribution in achieving objectives. Openly and actively shares all relevant or useful information, knowledge and experience to achieve objectives. Makes efforts to seek a broad perspective by considering different options or solutions. 		
	70 % ON-THE-JOB EXPERIENCE	20 % COACHING AND FEEDBACK	10 % FORMAL TRAINING
	<ul style="list-style-type: none"> Be authentic. Talk straight in a responsible manner and invite others to do the same Have regular contacts with your counterparts from other departments and / or organisations Build alliances with other managers / chiefs in order to mitigate unexpected circumstances Work with colleagues from across the country to address common issues Ask your employees about their relationships with their colleagues and partners and reiterate how important it is to leverage them Actively participate in meetings with your director and various external partners Volunteer on working groups and share results and findings with your team 	<ul style="list-style-type: none"> Actively participate in network activities Seek advice, ask opinions, sound out ideas with partners and stakeholders on better achieve a common objective Do a 360° assessment to gather information on your people skills development needs should you desire to push your career further 	CSPS: <ul style="list-style-type: none"> Principles and Practices of Labour Relations for Managers (G244) Manager Development Program (G412)
RESULTS Strategic awareness and collaborative and productive relationships exist between CBSA leaders and their international counterparts and domestic partners. <ul style="list-style-type: none"> Trusting relationships facilitate generating strategic alliances. Employees and our partners feel involved and recognized for their value. All human interactions are perceived as opportunities for potential and beneficial partnerships. All different points of view are taken into consideration, along with any other information gathered, to inform decision-making. 			
 PROMOTE INNOVATION AND GUIDE CHANGE	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none"> Generates and maintains an environment that values curiosity and that seeks the development and experimentation of new, diverse or bold ideas and is a model for adopting innovative approaches in own unit. Creates an environment where mistakes are used as learning opportunities. Acts as an agent for change by generating momentum, demonstrating genuine enthusiasm and actively involving team in supporting the vision for change. Is curious, thinks "outside the box" and actively seeks other approaches to continually challenge status quo and commit to continuous and creative improvement. Maintains effectiveness and productivity in unstructured or ambiguous situations. Demonstrates resiliency by learning from setbacks and mistakes, and rapidly adjusting courses of action to meet changing needs. 		
	70 % ON-THE-JOB EXPERIENCE	20 % COACHING AND FEEDBACK	10 % FORMAL TRAINING
	<ul style="list-style-type: none"> Tell employees what job needs to be done rather than how to do it, and put the emphasis on the result instead of the process Readjust owns and team's objectives to meet new organizational needs Volunteer on change initiative implementation Get all the information needed to understand upcoming changes, and rally behind in order to introduce them to your team Acknowledge yours and your employees feelings toward change, take the time required to listen to their questions and concerns to help them adjust, and report to your director if appropriate and necessary Be prepared to answer your employees concerns and questions Use recent events in the workplace to organize monthly lessons learned activities with your team and identify other ways to prevent or address similar situations 	<ul style="list-style-type: none"> Keep yourself informed of new trends in your field Have "what if" sessions with your team and / or your manager and explore what can be Ask for feedback on your ideas or on how you let your team be creative 	CBSA: <ul style="list-style-type: none"> Risk Management (L-1084N) CSPS: <ul style="list-style-type: none"> Employee Engagement through Transformational Leadership (G308) Managing Change: Building Positive Support for Change (X031)
RESULTS Status quo is challenged, intelligent risk-taking is supported and continuous improvement is achieved through border modernization (transformation). <ul style="list-style-type: none"> Our processes are constantly being reviewed and improved. Everyone feels their ideas are welcome and valued. Everyone embraces change and sees it as an opportunity to surpass themselves. Introspection and error analysis promote improvement and make the Agency a continuous learning environment. 			
 ACHIEVE RESULTS	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none"> Keeps promises and holds self-accountable for decisions, actions and commitments. Strives for organizational performance/excellence in managing and improving outcomes of own program. Promotes and is accountable for stewardship of financial and organizational resources, and aims to achieve efficiencies, while safeguarding the team's well-being. Keeps composure and calms others during difficult times, in an emergency or under pressure, and acts promptly and with confidence when a situation requires a quick decision. Balances the need to make both difficult, time-sensitive decisions and informed/evidence-based decisions. Demonstrates adaptability and agility and continues to move files forward and achieve results when changes or unexpected events occur in the environment. Maintains commitment even in the face of adversity. Proactively recognizes problems and opportunities and acts resourcefully to address them in a timely manner. 		
	70 % ON-THE-JOB EXPERIENCE	20 % COACHING AND FEEDBACK	10 % FORMAL TRAINING
	<ul style="list-style-type: none"> Work with colleagues to identify solutions to an emerging issue Clarify results at the outset of a project / initiative Take stock of your employees' individual strengths, and create a plan to leverage these strengths to reach a common goal Quickly analyze all the information available at hand to mitigate the impact of a tough decision made under pressure Assign tasks to your superintendents / supervisors that suits their development needs and career interest When making promises, make sure to deliver the results, providing timely updates until completion and do follow-ups Define performance measures to assess and report against regularly 	<ul style="list-style-type: none"> Get a 180° / 360° evaluation Seek feedback from clients, stakeholders and your director Engage in professional network / CBSA Managers' Community activities 	CSPS: <ul style="list-style-type: none"> Finance Management Control Frameworks (F111) Estimating Activity Resources and Durations (X052) Manager Development Program (G412)
RESULTS Border management and service excellence are achieved in a timely, efficient and effective manner. <ul style="list-style-type: none"> Timely, informed, thoughtful and prudent decision are made. Employees are alert and agile and adapt to new priorities. Human capital is deployed optimally. The organization is known for its good results, even in urgent and difficult situations. 			

**Leadership in Actions – Superintendent / Supervisor Level**

 CREATE VISION AND STRATEGY	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none">Aligns team/unit's activities with strategic goals.Considers how changes in the broader border management environment may impact team/unit's operations.Engages others to develop sound strategies and translate them into clear and concrete objectives.Generates enthusiasm and commitment to the vision of the team/unit.Engages team to proactively generate ideas and actively participate in discussions on priority setting, and proposes potential direction to senior management.		
	70 % ON-THE-JOB EXPERIENCE	20 % COACHING AND FEEDBACK	10 % FORMAL TRAINING
	<ul style="list-style-type: none">Take the time to understand the unique information and perspective that your job function contributes to the AgencyMake a clear link between the vision (team's, CBSA's) and how you and your team will to achieve itRemind your employees of the big picture and help them reflect on how their efforts add to the accomplishment of the missionDiscuss and share your ideas with your manager or colleagues on how the broader management or PS change initiatives will impact your unit operations or how your unit can contribute to itWhenever possible, rotate jobs or replace a colleague within the district / region / branch from operational to a corporate environment to gain a broader experience of border managementTake a micro-mission in a planning / strategic areaReplace your chief / manager at a planning / strategic meeting and debrief him / her afterward	<ul style="list-style-type: none">Find yourself a coach or a peer / colleague to help practice different communication methods to achieve specific results: assertiveness, power of words, etc.Consult with your ICMS advisor on tips and tricks about feedback, difficult conversations, coaching, etc.	<p>CSPS:</p> <ul style="list-style-type: none">Developing the Strategic Thinking Skill of Seeing the Big Picture Course (X007)Supervisor Development Program (G313) <p>OTHER</p> <ul style="list-style-type: none">Reading on leadership and guided self-reflection
RESULTS			
<p>A clear and compelling vision linked to integrated border management is created and prompts people to action.</p> <ul style="list-style-type: none">The Agency moves from reactivity to proactivity through better environmental scanning.Strengthening the sense of duty, the importance of day-to-day work by contextualizing the team's efforts within the Agency.Understanding of the current situation facilitates engagement in the Agency's evolution.Everyone has a clear vision of the impact of their work and their contribution to the Agency as a whole and to the protection of the border.			

 MOBILIZE PEOPLE	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none">Provides employees with opportunities for development to help them reach their full potential.Recognizes individuals' achievements, knowledge and capabilities, and takes time to celebrate successes.Provides ongoing and honest feedback on employee performance and potential, and creates opportunities for two-way communication.Is willing to conduct constructive conversations on sensitive issues and deals with discipline matters in a timely and effective manner.Is visible, approachable and available.Shares information and the broad context to create a sense of common purpose and direction.Maintains/displays a positive attitude to mobilize team in a dynamic operating environment.Supports a learning environment by taking responsibility for own career development and by displaying willingness to learn from others and coach others."Sets a good example" by personally modeling desired behaviour.		
	70 % ON-THE-JOB EXPERIENCE	20 % COACHING AND FEEDBACK	10 % FORMAL TRAINING
	<ul style="list-style-type: none">Establish a practice of walking the workplace and chatting with employeesBe open, honest and candid – especially when delivering bad newsDo rigorous employee performance evaluations as a tool for growth assessing both the results and the process, and provide ongoing feedbackAddress issues as soon as you are made aware of themTake every opportunity to highlight positive performancesHave an open-door policy where employees can come and have discussions with you any timeFoster your employees' confidence and optimism by demonstrating that you believe in them, and review their strength and competency relatively to other teams	<ul style="list-style-type: none">When receiving and delivering feedback, make sure it is about the actions, not the personSeek advice / coaching on how to provide honest and useful feedback (ICMS advisor)Find a colleague with whom you can share ideas and practice specific interventions you may be less comfortable withParticipate in learning circlesConsult awards and recognition to get ideas on how to recognize your employees	<p>CSPS:</p> <ul style="list-style-type: none">Leadership Essentials: Creating Your own Leadership Development Plan 2.0 (X023)Having Difficult Conversations (G131)
RESULTS			
<p>CBSA employees are inspired, empowered, supported and strive for service and performance excellence.</p> <ul style="list-style-type: none">Trusting relationships are established.Everyone is motivated and productive.Everyone feels valued and confident in their abilities.Everyone is committed to a common goal.			

 UPHOLD INTEGRITY AND RESPECT	EXPECTED BEHAVIOURS		
	<ul style="list-style-type: none">Builds and promotes a bilingual, diverse and inclusive organization, free from harassment and discrimination.Solicits and respects a diversity of competencies, views and mindsets, and is open to being challenged.Demonstrates integrity, civility and respect in interactions with colleagues, partners and the public in order to sustain mutual trust.Acts with transparency and fairness in all dealings, and takes responsibility for own mistakes.Models ethically exemplary conduct and consistently behaves in a way that upholds and defends CBSA values and meets the expected standards of the Code of Conduct.Demonstrates impartiality, professionalism, and service excellence when faced with significant opposition or challenges from others, and in highly stressful or critical situations.Actively contributes to workplace well-being, physical and mental health, and a safe and respectful organization.Acts in support of an open and safe workplace atmosphere in which individuals feel encouraged to raise, discuss and address sensitive or ethical issues.Proudly defends the interests of the public.Demonstrates empathy and shows concern for people and the work they are doing.		
	70 % ON-THE-JOB EXPERIENCE	20 % COACHING AND FEEDBACK	10 % FORMAL TRAINING
	<ul style="list-style-type: none">Embrace the diversity of your team where women, aboriginal peoples, persons with a disability and members of visible minorities are valued and learn from their various backgrounds and experienceRealize your tendencies and biases, communication style and natural reactions to people different from you in some way, analyze why and adjust yourself accordinglyManage integrity risk; you need to know your employee to assess that riskSpeak truthfully with integrity and respectAcknowledge deficiencies and shortcoming but support your team when they are under pressure and stand up for them in an appropriate manner and in accordance with the code of conductCreate a second official language day where all your team members talk to each other in their second languageHave meetings with your teams about the Code of Conduct and what it means to them	<ul style="list-style-type: none">Feedback / pulse check with teamHave discussions with your team about the workplace and identify ways to improve itFind a peer / colleague, a coach or a mentor to assist you when dealing with sensitive issues that makes you uncomfortable or that you find difficult to deal with	<p>CBSA:</p> <ul style="list-style-type: none">Ethical Leadership and Professional Integrity Awareness (H7115-P) <p>CSPS:</p> <ul style="list-style-type: none">Creating a Respectful Workplace (G417)Relax! (Z051)
RESULTS			
<p>The CBSA is a respectful and trusting work environment where integrity is protected and exemplified.</p> <ul style="list-style-type: none">Everyone actively reinforces and contributes to the image of integrity and professionalism expected of an enforcement organization.We have rich multidisciplinary working environments.The Agency has open and respectful workplaces.Working relationships are more harmonious.			

 COLLABORATE WITH PARTNERS AND STAKEHOLDERS	EXPECTED BEHAVIOURS <ul style="list-style-type: none"> Engages, builds trust and works co-operatively with a broad range of individuals, public members, partners and stakeholders to achieve common security and prosperity goals. Clearly and tactfully communicates own needs, perspectives and backgrounds, and objectively considers those of a wide-range of stakeholders. Actively listens to others and genuinely values and respects their input and expertise. Encourages others and acknowledges their contribution in achieving objectives. Openly and actively shares all relevant or useful information, knowledge and experience to achieve objectives. Makes efforts to seek a broad perspective by considering different options or solutions. 		
	70 % ON-THE-JOB EXPERIENCE <ul style="list-style-type: none"> Consult with your manager / chief to consider his / her objectives when making a decision or conducting a project are unclear or unfamiliar Ask for the input a wide array of SMEs, stakeholders, clients and employees to inform your decisions Whenever appropriate, take the habit to reach out to your contacts in other units, branches and departments to exchange about current files and be of assistance to one another Provide timely, useful and tactful feedback and updates when necessary Take a micro-mission in a different branch to build relationships with different partners / stakeholders Take a role on a committee with members from the regions and HQ Take the habit to thank your employees and colleagues for their contribution or acknowledge their good work 	20 % COACHING AND FEEDBACK <ul style="list-style-type: none"> Ask for feedback in various format (surveys, meetings, consultations, etc.) and be clear about the end results Get a mentor or a coach to guide and help you master negotiation techniques and skills Ask your mentor how to extend your network, maybe open new doors for you 	10 % FORMAL TRAINING <p>CSPS:</p> <ul style="list-style-type: none"> Leadership Essentials: Building your Influence as a Leader 2.0 (X022) Supervisor Development Program (G313)
	RESULTS <p>Strategic awareness and collaborative and productive relationships exist between CBSA leaders and their international counterparts and domestic partners.</p> <ul style="list-style-type: none"> Trusting relationships facilitate generating strategic alliances. Employees and our partners feel involved and recognized for their value. All human interactions are perceived as opportunities for potential and beneficial partnerships. All different points of view are taken into consideration, along with any other information gathered, to inform decision-making. 		
 PROMOTE INNOVATION AND GUIDE CHANGE	EXPECTED BEHAVIOURS <ul style="list-style-type: none"> Generates and maintains an environment that values curiosity and that seeks the development and experimentation of new, diverse or bold ideas. Creates an environment where mistakes are used as learning opportunities. Acts as an agent for change by embracing, supporting and actively reinforcing the vision for change. Is curious, thinks "outside the box" and actively seeks other approaches to continually challenge status quo and commit to continuous and creative improvement. Maintains effectiveness and productivity in unstructured or ambiguous situations. Demonstrates resiliency by learning from setbacks and mistakes, and rapidly adjusting courses of action to meet changing needs. 		
	70 % ON-THE-JOB EXPERIENCE <ul style="list-style-type: none"> Whenever possible, and with the exception of disciplinary matters, allow employees some room to make mistakes as they learn and use these mistakes as learning opportunities for your team Take part in post-operation reviews Do brainstorming sessions to find new ways to solve existing problems Observe and propose new ideas whenever possible Propose innovative ideas, best practices and new processes to your chief / manager Introduce change to your team in a positive way and highlight its advantages 	20 % COACHING AND FEEDBACK <ul style="list-style-type: none"> The world is your teacher, keep an eye open on everything for inspiration and keep a log Participate in learning circles Find a coach / mentor to help you practice assertiveness 	10 % FORMAL TRAINING <p>CBSA:</p> <ul style="list-style-type: none"> Risk Management (L-1084N) <p>CSPS:</p> <ul style="list-style-type: none"> Leadership Essentials: Leading Innovation (X025) Leading Change (X026)
	RESULTS <p>Status quo is challenged, intelligent risk-taking is supported and continuous improvement is achieved through border modernization (transformation).</p> <ul style="list-style-type: none"> Our processes are constantly being reviewed and improved. Everyone feels their ideas are welcome and valued. Everyone embraces change and sees it as an opportunity to surpass themselves. Introspection and error analysis promote improvement and make the Agency a continuous learning environment. 		
 ACHIEVE RESULTS	EXPECTED BEHAVIOURS <ul style="list-style-type: none"> Keeps promises and holds self-accountable for decisions, actions and commitments. Demonstrates commitment to service and program excellence by ensuring quality outcomes are delivered on time. Demonstrates stewardship of financial and organizational resources and aims to achieve efficiencies, while safeguarding the team's well-being. Keeps composure and calms others during difficult times, in an emergency or under pressure, and acts promptly and with confidence when a situation requires a quick decision. Balances the need to make both difficult, time-sensitive decisions and informed/evidence-based decisions. Demonstrates adaptability and agility and continues to move files forward and achieve results when changes or unexpected events occur in the environment. Maintains commitment even in the face of adversity. Proactively recognizes problems and opportunities and acts resourcefully to address them in a timely manner. 		
	70 % ON-THE-JOB EXPERIENCE <ul style="list-style-type: none"> Volunteer for special projects or tiger teams where results are expected with short delay Stretch yourself beyond your regular tasks and take on new project, tackle an issue you identify and try to solve it When assigning projects, give all your employees a chance to take a leadership role Assign tasks / projects to your employees that suits their development needs and career interest Look for opportunities to develop and/or deliver training on various business-related topics (in Rigaud, detection tools, your specific mode, in initiative your team is working on, etc.) Develop critical paths for all your projects 	20 % COACHING AND FEEDBACK <ul style="list-style-type: none"> Seek input from your direct reports, invite candid open and meaningful dialogue Join the CBSA Managers' Community Ask for feedback on results 	10 % FORMAL TRAINING <p>CSPS:</p> <ul style="list-style-type: none"> Project Management Methods and Processes (R201) Running Effective Meeting (Z035) Becoming a Supervisor: The Basics (G312) Developing a Business Execution Culture (X004)
	RESULTS <p>Border management and service excellence are achieved in a timely, efficient and effective manner.</p> <ul style="list-style-type: none"> Timely, informed, thoughtful and prudent decision are made. Employees are alert and agile and adapt to new priorities. Human capital is deployed optimally. The organization is known for its good results, even in urgent and difficult situations. 		



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Leading at the Frontline – Leadership, Strategy and Coaching

Module 1

L1102-N

Version: January 2018

PROTECTION

SERVICE

INTEGRITY



PROTECTION

SERVICE

INTÉGRITÉ

Participant Guide *with Facilitator Notes*

Training and Development Directorate

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Canada



Leading at the Frontline – Leadership, Strategy and Coaching

The **Erreur ! Utilisez l'onglet Accueil pour appliquer Heading 8 au texte que vous souhaitez faire apparaître ici.** Canada Border Services Agency, developed this material in partnership with all Headquarters Branches. The content was developed in November 2017 and revised in January 2018.

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This document was created using the template version 2 dated November 2011.



Course set-up requirements

Items you will need:

- ☐ Facilitator computer or laptop connected to a projector or Smartboard
- ☐ Computers with access to Atlas
- ☐ Printed copies of the Participant Guide with Facilitator Notes for the facilitators
- ☐ Flip charts and flip-chart markers
- ☐ Dry-erase markers
- ☐ Pencil, pen and highlighter for each participant

References

For this course, you should be relatively familiar with the following references:

- CBSA Leadership Profiles (available on Atlas)

Delivery recommendations

Using the Participant Guide with Facilitator Notes

The participant guide is designed to provide participants with practical management skills. In class, as a facilitator, you must present this content in a way that will facilitate the participant's learning and enhance their learning experience. This can be done by explaining the content in your own words, by providing examples and by encouraging the participants to be active in their learning.

Facilitator notes have been included to provide timing, activity instructions and some additional information that goes above and beyond what is technically required by the participants. However, the course materials and facilitator notes are not a "script" detailing how you should teach the material.

Please review this course thoroughly prior to teaching it. You are responsible for providing context and realistic examples to help participants learn how to apply this knowledge in the workplace.

A few additional tips:

- Rather than reading long portions of content, explain topics in your own words.
- Use various delivery methodologies; provide examples, have participants discuss or research a piece of legislation, have them prepare a job aid, etc.
- Watch the time carefully in order to ensure you are able to cover all of the material.
- Encourage participants to be active and responsible for their own learning. It is not your responsibility to ensure that they have read every single word of the course.
- Ensure that you prepare all the material that is required for the course prior to the class.
- Try to relate the content to real situations on the job.

Instructions for before training begins

- Verify classroom layout that will be the most effective
- Test equipment
- Review training material thoroughly



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Instructions for the day of the training

- Greet participants
- Introduce yourself and the senior manager who will introduce the session
- Discuss housekeeping items, e.g. washroom locations, emergency procedures, turn off cell phones
- Instruct participants to log in to their computers if they have not already done so
- Explain agenda, the Participant Guide (on their computers) and the Participant Exercise Workbook layout

Instructions for the last day of training

- Ask participants to complete the Course Evaluation
 - Participants will receive an e-mail with a link taking them to an online evaluation questionnaire. They are encouraged to complete the questionnaire.



Facilitator notes legend

The following icons and acronyms appear in the facilitator guide and are intended to assist the facilitator during delivery.












Icon/ Acronym	Description	Icon/ Acronym	Description
	Emphasize: Additional information is provided and requires attention drawn to it.		Present: Instructions for presenting the information.
	Discussion Questions: Questions for the facilitator to ask participants.		Reference: Reference materials related to the content being presented.
	Group Activity: Facilitator-led group activity.		Slide: PowerPoint slide.
	Group Discussion: Questions or situations to generate a discussion.		Time: Time allocated for a specific section or activity.
	Job Aid: A job aid for participants available at the end of their Guide.		Written Activity: Instructions for a written learning activity.
	Online Activity: Activity to be completed online.		



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Before you Begin

Introduction

The Leading at the Frontline workshop has been prepared in recognition of the importance of people management within the Canada Border Services Agency. More specifically, a frontline management team with the right skills is of paramount importance. It is apparent that for the workforce to meet the business priorities that are set out by the Agency, the organization requires a strong first-level supervisory and management group to lead the frontline officers.

Format of the Session

Over the course of the week there are a series of guest speakers who are specialists in their given areas. Each will be delivering a day-long session which will allow you to complete activities and to ask relevant questions.

This workshop will include the following topics:

- Strategic Thinking & Planning
- Professional Standards and Investigations
- Informal Conflict Management System – Having Difficult Discussions
- Considerations in Effective Leadership

Expectations

It is important to recognize the areas of interest and the expectations of the workshop participants. On a sheet of paper complete one of the following statements to be shared with the group.

- I'm looking for information about
- I am interested in learning about
- This workshop would be helpful if.....



Exercise time: 15 min.

Welcome Participants



Slide 2 Present the purpose of the workshop. Introduce yourself and provide your background in reference to leading at the frontline and training background. (e.g. Involvement in delivering previous Supervisors or Management Essentials training etc.)



Describe the format of workshop. Indicate that on Day 1 we will look at the topic of leading and leadership profiles and Strategic Thinking.

Days 2-4 will be led by subject matter experts from the

- Professional Standards and Investigations unit;
- Labour Relations; and
- Informal Conflict Management System team.

The days will include a great deal of group work. Activities and discussions are required.

On Day 5, we will focus on other Considerations in Effective Leadership topics such as:

- Multi-generational Workforce;
- Change Management; and
- Stress Management and Wellness.



Exercise time: 15 min.



Slide 4 Expectations – Ask participants to complete one of the three statements. Ask for a few of the participants to state their expectations. Acknowledge statements that are related to the workshop topics and indicate those that are outside the workshop topics but may be raised with the presenters.



Unit 1 – Leadership Competencies

Learning objectives

At the end of this module, you will be able to:

- Identify the CBSA's Leaders' Profiles
- Establish expected behaviours, development options, and anticipated results for each leadership competency.

1.2 CBSA Leadership Competencies

You just identified what leading means to you but are you aware that there are a series of leader's profiles that focus on the six key leadership competencies?

The Agency has been the first to develop a series of Leaders' Behaviour Profiles from the six key Leaders' Competencies outlined below. These profiles transform each competency into tangible, everyday actions for each role or level, and can assist you with your career planning and development. Learn how you can benefit by reviewing the profile under the category that applies to you.

Leadership Competencies

The following key leadership competencies have been used to create leader's profiles.

- Create Vision and Strategy
- Mobilize People
- Uphold Integrity and Respect
- Collaborate with Partners and Stakeholders
- Promote Innovation and Guide Change
- Achieve Results

With the other members of your assigned group you will be looking at the leadership competencies and the leaders' profiles. Specifically you will be examining your assigned competency for the following:

1. The Expected Behaviours for that competency;
2. Development options that might be considered to build that competency; and
3. Results

Capture your results on the respective table that follows.



Explain that although they have an understanding of what leading and leadership means, we also want them to understand what the leadership competencies mean relative to our organization.



Present slide: CBSA Leaders' Profiles



Explain the leaders' behaviour profiles were developed based on six key leadership competencies.

You are going to be looking in depth at the leadership competencies.



Present slide: Leadership Competencies



Explain that there are six pages included but their respective groups will be assigned the competency as indicated by the table number. The last competency will be done by every group.

Note this exercise is based on there being 5 groups of four participants. You may have to adjust the assigned competencies.

Tell the class that we will look at an example together.



Present Slide: Key Competency – Create a Vision and Strategy



Explain the examples provided in the slide

- Expected Behaviours
- Developmental Options or Approaches that might be taken to allow for the competencies to be developed
- Results.



After each group has presented their findings and to conclude this unit, present slide: Leaders' Profiles and Tools and distribute Handouts – Leadership in Action Profile – Chief Manager and Leadership in Action Profile - Supervisor

Key competency Table 1 Create Vision & Strategy	
Expected Behaviours (What behaviours will the leader display?)	
Development Options	
Results	



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Key competency Mobilize People		Table 2
Expected Behaviours (What behaviours will the leader display?)		
Development Options		
Results		



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Key competency Table 3 Uphold Integrity and Respect	
Expected Behaviours (What behaviours will the leader display?)	
Development Options	
Results	



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Key competency Collaborate with Partners and Stakeholders		Table 4
Expected Behaviours (What behaviours will the leader display?)		
Development Options		
Results		



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Key competency Table 5 Promote Innovation and Guide Change	
Expected Behaviours (What behaviours will the leader display?)	
Development Options	
Results	



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Key competency Achieve Results		Table 6
Expected Behaviours (What behaviours will the leader display?)		
Development Options		
Results		



Unit 2 - Strategic thinking and planning

Learning Objectives

At the end of this module, you will be able to:

- Create a strategic plan
- Identify financial and human resource requirements
- Establish performance measures to measure success



"Strategic Thinking and Planning" including exercise - 3.5 hours

2.1 What is strategic thinking?

The Treasury Board Secretariat defines strategic thinking as "innovating through **analysis** and **ideas**."

The following effective behaviours demonstrate strategic thinking at the manager level:

Analysis

- Develops the unit's direction, based on a thorough understanding of the functional area and the broader context within the organization and public service
- Pays attention to changing division priorities and analyzes their impact on the unit's work plans
- Seeks clarification and direction from the Director, as required
- Manages multiple projects and uses knowledge of each to form a comprehensive perspective
- Identifies connections and interdependencies among unit projects
- Analyzes setbacks and seeks honest feedback to learn from mistakes



Managers are required to be strategic in the management of work and their teams. At the manager level, it is expected that you will be aware of Agency, divisional and unit priorities and will be innovative in finding successful solutions to our ever changing environment.

Ideas

- Translates the division's direction into concrete unit work activities
- Designs solutions to operational problems
- Encourages and incorporates diverse and creative initiatives and perspectives
- Redesigns the unit's work activities to meet changing needs
- Makes effective recommendations to the Director
- Considers the people components of issues and decisions
- Teaches and learns from others



You can already see the interplay between strategic thinking and planning in these effective behaviours. The planning process is a tool that strategic thinkers use to establish concrete steps for accomplishing strategic objectives. Through this process, strategic thinkers can design solutions to operational problems, redesign work activities, etc.



Ask the class: what characteristics and qualities make a good strategic thinker? (This could also be done as a group activity.)

Suggested answers:

- They look at the bigger picture
- They challenge assumptions
- Able to gather and interpret complex, ambiguous information
- Use analysis of information to guide their decisions
- Proactive – anticipate change, seek out opportunities
- Curious – interested in their organization, industry
- Good steward of resources
- Willing to take risks
- Able to prioritize
- Adaptable and flexible
- Willing and desiring to learn
- Willing to teach others
- Creative



Planning is done in both our professional and personal lives. Everyone plans. Planning can take different forms depending on your position or work environment.

Like all other managers, you routinely encounter complex situations, difficult problems, and challenging decisions. Your job is to deal with these situations as best you can by using the information you have. In an ideal world, you would have access to all the information you need to navigate through these challenges. Unavoidably, however, you have only a limited amount of information to work with. And because you sit in a particular part of your organization, you have a limited view of the forces that lie outside your sphere of influence.

Strategic thinking helps you overcome these limitations.

2.1.1 Characteristics of a strategic thinker

You can improve your ability to think strategically by forming habits that will make the process easier. Some of these habits include:

- Avoiding knee-jerk reactions: don't act until you have all of the facts
- Allowing your creativity to come through in your thoughts and actions
- Trusting in your intuition and “gut” feelings
- Being willing to take a chance and accept a new point of view
- Connecting with others, valuing their perspectives and listening well
- Broadening your knowledge of all areas related to the topic
- Tracking your thought process so you can measure effectiveness and areas for improvement

2.2 Planning

Planning is one of the essentials of modern life. We all plan in our personal lives. For example, we plan holidays, careers and the acquisition of assets (e.g. cars, consumer goods, houses). Some of this type of planning can be as informal as simply “working things out in our heads.” But however we do it, planning is essentially the “organisation of a series of actions to achieve a specified outcome.”

In work environments, we typically refer to planning as “business planning” and adopt a much more systematic, disciplined approach. We plan projects, plan and develop new products and services, new initiatives and programs. We also draw up plans for change, for doing things differently and for doing things better. We discuss, draft and then implement short-, medium- and long-term plans as to where, organizationally, we want to get to and what we want to achieve.



Planning will take many different forms depending on your position and work environment, but all of them will put your strategic thinking skills to the test.

2.2.1 Planning process overview

Every planning process goes through a series of stages. These stages can differ slightly depending on the planning model used. At the CBSA, all planning activities essentially follow the steps below:

1. Determine your objectives and key activities
2. Conduct an environmental scan
3. Analyze gaps and risks
4. Set priorities
5. Plan financial resources
6. Plan human resources
7. Establish performance measures
8. Monitor and Report

Each of these steps in the process allow managers to examine the environment in which they work, to focus on the crucial issues and challenges and find solutions to enhance performance.



Present Slide: Strategic Planning Process



Exercise: 30 minutes



Use the following example to guide the participants through a simple planning exercise (30 minutes in plenary). Put flip chart sheets around the room, one for each stage of the planning process. Record their suggestions in the appropriate category.

Example:

You have been offered a new job, a promotion, but it's in a different city. The job offer comes as a complete surprise, but you have decided to accept! What are some of the things you need to think about in order to plan for this life-changing event?

Sample answers:

- 1. Plan to make the move as easy as possible – Objective
Give notice, put house on market, book travel, inform family/friends, etc. – Key activities*
- 2. Find out more about where you are moving, who you are working with, and the new city –Environmental scan*
- 3. Research housing market in new location to see what you can afford – Analyze gaps and risks*
- 4. Make a detailed list of all the things you have to do with dates – Set priorities*
- 5. Get a real estate agent, call HR, negotiate moving assistance agreement, call bank, etc. – Plan human and financial resources*
- 6. Your family supports the move, you arrive in your new city and at your job on time, etc. – Performance indicators*



2.3 Determine your objectives and key activities



Explain this step is important when developing an operational plan for your unit but is also essential in any project plan. If your plan is for a specific project, you need to know:

- What the objective of the project is
- What the expected outcomes of the project are
- How this project helps achieve the strategic objectives of the Agency
- What key activities will be involved in carrying it out

Determining what your objectives and your key activities are is the first step in any planning process. Before looking outside at your environment, you need to know your *raison d'être*. What have you or your unit been tasked to do?

At this stage, you may or may not know your key activities. If you are developing an annual work plan, your key activities will support your objectives for the year, usually outlined in your Performance Management Agreement (PMA). These are the activities that you will carry out as part of your day-to-day operations in support of the Agency's strategic objectives. For other types of plans, your key activities may become clearer as you go through the process.

When determining your objectives and key activities, ask yourself:

- What are the Agency's strategic objectives?
- How do my objectives and activities help achieve the Agency's objectives?
- Are there other initiatives in the Agency, branch or directorate that affect my unit or this particular project?
- If yes, what activities is my section responsible for?
- Do I need to talk to my boss to clarify any of my activities and objectives?
- What are the expected outcomes of my section's key activities?

It is good practice to consult others during the planning process. A colleague, manager, and/or subject matter expert can provide you with valuable information, can verify what you think you know and guide you to additional resources. For example, when determining your objectives and key activities, consulting others can help you determine what initiatives already exist that might affect your unit or your project. By collaborating with others early on, you are better able to avoid redundancy as you put your plan into action.

Developing objectives

Whether your objectives are consistent year to year, assigned to you by your boss or developed by you, make sure they are SMART – specific, measurable, attainable, relevant, and trackable/time-bound.

For example, one Human Resources (HR) Branch task force charged with buying a new system for managing personnel data defined the following SMART objective:



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Example of SMART objective	SMART criteria
To recommend...	Attainable
...at the June...	Trackable and time-bound
...HR Branch Management Committee meeting, the three	Specific
...systems that are the most user-friendly and offer the most options for the cost outlined in the project budget or less.	Relevant and measurable

2.4 Conduct an environmental scan

Conducting an environmental scan (e-scan) is about seeing the big picture. The end result of your e-scan is to be aware of the factors that may affect the achievement of your objectives.



This image above shows the various layers of your environment that you need to be aware of, examine and consider before you make plans, set priorities or make decisions. Your **team** comprises the people and financial resources that you manage. Your **organization** includes your division or district, your directorate or region, your branch, and the Agency as a whole. Your **external environment** is what's going on outside your organization. Your job function and the type of strategic planning you're doing will determine how much you'll need to make scanning your external environment a priority.

Your team

The following are some factors related to your team to think about in your environmental scan:

- Your people
 - Knowledge



*Explain that an environmental scan must be completed at the team, organization, and external level. State your **team** is the people and financial resources that you manage. Your **organization** includes your division or district, your directorate or region, your branch, and the Agency as a whole. Your **external environment** is what's going on outside your organization.*



Prepare 3 flip charts (one for each of team, organization, and external). Ask participants to identify factors to include for each type of scan. Debrief using the content on the following pages.



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- Backgrounds
- Education
- Credentials
- Contacts
- Reputations
- Skills
- Needs and concerns
- Interests
- Budget
- Number of human resources and their position type (permanent, part-time, etc.)
- Upcoming vacancies (e.g. retirement, leave, secondments)
- Technology available to you
- Equipment
- Location
- Information you are privy to
- Power of influence

Your organization

The following are some factors related to your organization to think about in your environmental scan:

- Mandate, mission, vision
- Strategic goals, priorities and objectives
 - Will the plan you're considering help your organization carry out its strategic goals? Or will your plan make it more difficult?
- Culture
 - How will your plan be received?
- Stakeholders
 - Who will be affected by your plan?
 - Who will support or oppose your plan?
 - Whose help will you require?
- Budget and process for obtaining funding
- Communication methods
- Technology
- Infrastructure
- Geography
- Organizational structure
- Expertise available



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- Business processes
- Upcoming changes to programs, leadership, funding, etc.

Your external environment

The following are some factors related to your external environment to think about in your environmental scan:

- Clients (Canadians, visitors, immigrants, refugees, carriers, importers)
 - Expectations
 - Values
 - Needs (now and in the future)
 - Perceptions
- Media
 - Current media perception of the CBSA
 - Media impacts of your plan, if applicable
- Industry trends
- Legislation, regulations and policy
- Agency partners and partnership possibilities
- Other government departments
 - Has what you're planning been done by another government department before?
 - Is there a possibility of sharing?
- Existing and new technology
- Economic environment
- Political environment
- Issues/problems facing the CBSA or that the CBSA has resolved

If your plan is for a particular project or initiative, you will also need to examine the project itself: the documentation, background, budget, etc.

As you navigate your environment, keep in mind the following questions:

- Is your planned objective or activity in line with the strategies and objectives of your organization?
- What factors in your environment will help you achieve your objectives?
- What factors in your environment may prevent you from achieving your objectives?



Explain the steps to conduct an environment scan:

- *Distinguish between where your organization is today and where it could be in the future*
- *Be specific*
- *Keep it short and simple*
- *Try to find relationships, patterns and trends*

2.4.1 Tips for conducting an environmental scan

Here are simple rules for a successful environmental scan:

- Distinguish between where your organization is today and where it could be in the future
- Be specific
- Keep it short and simple
- Try to find relationships, patterns and trends

Example of seeing relationships: By serving on a committee of managers from various parts of your organization, you learn that the IT group is proposing to install an enterprise resource planning (ERP) system that links software applications throughout your organization. But your group has just decided to adopt a stand-alone client database. You realize that your group and IT will be working at cross-purposes if both plans move forward. You conclude that it would be better to hold off installing your stand-alone database until you know more about whether the ERP project will be approved.

2.4.2 Strategies for conducting an e-scan

Team:

- Meet regularly with your team
- Communicate your expectations
- Seek their feedback whenever possible
- Use the performance management cycle
- Monitor your budget and update your forecasts regularly

Organization:

- Find out where the CBSA's strategies, mission, vision, objectives, etc. are posted and read them.
- Talk with your boss about the CBSA's and your unit's strategies. Ask your boss to fill you in on planning sessions or committee meetings.
- Talk with other managers to get their perspectives.
- Observe the decisions and messages that are being communicated by senior managers in your organization (e.g. read reports, look at Web site).
- Be able to discuss your organization's and unit's strategies with others.
- Gather information from stakeholders
- Invite your stakeholders to the table
- Welcome their ideas and concerns



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- Listen carefully to your stakeholders' underlying issues
- Define the problems
- Try to address concerns that overlap multiple stakeholders

External environment:

- Read a wide range of business publications
- Talk with other informed professionals
- Participate in trade and professional associations
- Read/watch the news

2.5 Analyze gaps and risks

2.5.1 Determine gaps

A gap analysis is a tool that helps compare actual performance to potential (or expected) performance. At its core are two questions: "Where are we now?" and "Where do we want to be?" The gaps are the factors that are preventing you from achieving the potential or expected performance. Gaps are areas that can be improved or needs that must be filled.

To conduct a gap analysis, first identify the current needs and future needs of your unit or project, depending on what your plan is for. The work you have already done for the environmental scan will help you identify these needs. Consider the following CBSA example.

Where we want to be	Where we are now	Gap?
What is my objective?	What is the actual situation?	Do I have what I need to fulfill my objective?
To create a new organizational structure of ten positions, including a Training Coordinator, an AS-02 Administrative Assistant and eight marine BSOs	Currently no Training Coordinator Administrative Assistant is presently an AS-01 Staffing of eight BSO positions has not occurred	No



Explain that a gap analysis is a tool that helps compare actual performance to potential (or expected) performance. Ask participants why a gap analysis is important and what the risks are for not completing one.

Possible responses

Gap analysis is important because it

- helps focus efforts and make informed decisions
- helps to determine to what degree the organization, your team, or you are meeting goals and objectives

By not completing a gap analysis

- money and human resources may be wasted
- there may be a misalignment between actual outcomes and intended outcomes

Factors to consider include:

- Based on your objectives, where do you want to be?
- What is required to get from one to the other?
- What strategies could you use to "bridge the gap"?



From this information, you can propose strategies to address the gaps.

Gap	Strategy
Require a Training Coordinator but do not currently have one	Discuss hiring a Training Coordinator with Director
The Administrative Assistant needs to be promoted to the level AS-02	Recommend promotion to Director
Require eight new BSOs but staffing has not occurred	Develop and propose a staffing strategy to reorganize unit by hiring eight new BSOs and creating a unit of eight officers dedicated to marine



Explain risk identification is a process for identifying, analyzing, evaluating and responding to risks that could impact the achievement of objectives and which supports planning.

Factors to consider:

What risks might prevent you from achieving your objectives? Are some more severe than others?

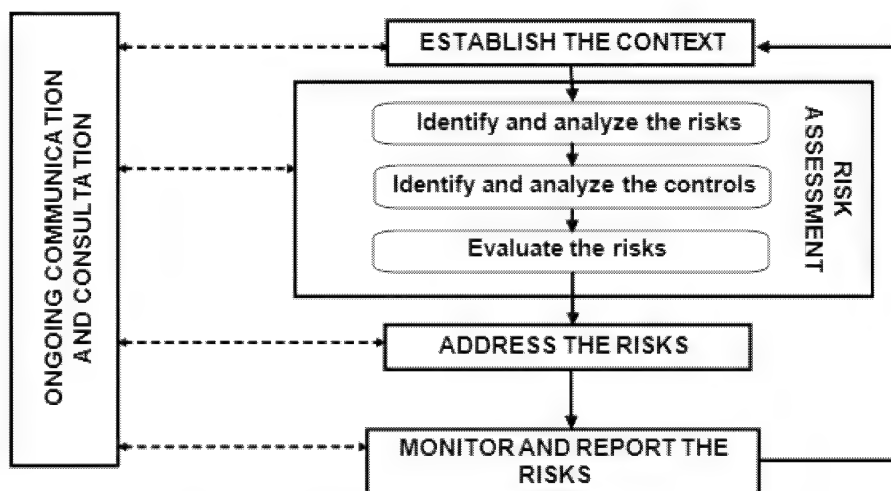
- *What impacts would those risks have?*
- *Is anything currently in place to mitigate these risks?*
- *Do you need to do more? If yes, what strategies should you use?*

2.5.2 Identify risks

You are responsible for being aware of the risks facing your unit and program area. As you've seen already, risk management is one of the keys to management excellence found in the FMM Toolkit. More information can be found there and on Atlas.

In brief, risk management involves the use of a logical and systematic process for identifying, analyzing, evaluating and responding to risks that could impact the achievement of objectives. It helps support strategic and business planning. It also promotes continuous improvement, reduces shocks and unwelcome surprises and reassures stakeholders.

As a manager, you can use the CBSA's Risk Management Process to guide you through managing your risks. The process involves four main stages:





In this process, you are answering the questions:

- Based on my environmental scan, what factors in my environment might lead to risks?
- What are the risks that may prevent me from achieving my objectives?
 - Risks are formulated into a risk statement that looks like this: *Given [one or more particular drivers], there is a risk that [x will occur], with the consequences of [y].* For example: Given that weather is unpredictable, there is a risk that it will snow on Christmas Eve, with the consequences of bad driving conditions for those travelling by road.
- What would be the impacts if these risks materialized?
- What controls do I currently have in place to mitigate these risks?
- How effective are these controls?
- What is the severity of the risks? Are some higher risks than others?
- Do I need to do more to mitigate these risks? If yes, what strategies should I use to mitigate them?
- How will I monitor my risks and mitigation strategies and to whom do I need to report on them?

You can find more information on Atlas under Risk Management Toolkit. An online course on the Risk Management Process is also available for all CBSA employees. (NB: Add Course Code) It is highly recommended that you take this training.



Present Slide: CBSA Risk Management Process – emphasis should be placed on the RISK ASSESSMENT BOX where focus is the identification and analysis of risks and controls followed by evaluation.



Explain risk identification is a process for identifying, analyzing, evaluating and responding to risks that could impact the achievement of objectives and which supports planning.

Factors to consider include:

-What specific people, units, programs, etc. would you need to consult with in planning your idea?

-Think about the people, budget, tools, etc. that you currently have.

-What's going on elsewhere in the Agency that might impact your idea?

-What's going on in the world that might impact your idea?

-Who are the stakeholders? Who will help you, oppose you?

2.5.3 Tips for addressing gaps and risks

Devise smart solutions

Seeing patterns and trends can help you generate creative, valuable solutions to problems. Solutions that work in one area may also work in another different area.

Challenge your assumptions

Challenging your beliefs about how things should be done in your organization can generate valuable new ideas. To challenge assumptions, ask questions such as “Why do we believe this process should be handled only in this way? What if we did it this other way instead?”



Explain that as managers, it is important that you identify gaps and risks to mitigate negative impacts on the CBSA, your team, and yourself.

Review the list of tips to address gaps and risks.



Welcome provocation

Be willing to entertain ideas that strike you as provocative and even downright preposterous at first. Some of these ideas may ultimately lead to new ideas that can be turned into practical value.

Gather others' perspectives

Deliberately inviting people who work in other parts of the organization to share their views of a problem or challenge can help you see that there is more than one way to perceive a situation. Whenever you meet with others to generate more options, you stand a better chance of selecting a more effective solution to a problem than if you had considered only one or two options.

Create the right environment

Have an open mind and avoid being defensive or territorial about your ideas. When brainstorming with others, create a supportive environment where people feel they can generate ideas freely, without being judged or criticized.

Avoid irrelevant information

Don't bother considering information that's unnecessary, marginally useful, or overly time-consuming to collect—even if it strikes you as interesting. Focus your information-gathering efforts on data that will help you move forward to a resolution.

Build on existing knowledge

Avoid reinventing the wheel. Instead, ask: "Have I or someone else in the organization faced a similar situation in the past? If so, how was it handled? What were the results? How might we fine-tune the solution to accommodate conditions that have changed since that earlier time?"



For example, ask other managers how they've handled delays in their groups' key processes. They may have developed solutions or strategies that you can adapt or apply directly to your own situation. They may also know something about certain steps in your process that can shed light on possible solutions.

2.6 Set priorities

Knowing how to prioritize your actions constitutes another aspect of planning and strategic thinking. In any business situation – whether it's planning for a unit or project, planning your day, making a decision or solving a problem – you can spend your time and energy in an almost infinite number of ways.

2.6.1 Establish clear, realistic timelines

In order to prioritize certain activities over others, you need to first have clear, realistic timelines for your activities.

To establish realistic timelines in a plan:

1. **Estimate the length of time each activity will take.** Create a chart or diagram depicting the time needed for each activity. Calculate the time required to carry out the entire effort.
2. **Identify activities that can't be completed until other activities are complete.** These represent potential bottlenecks in the process.
3. **Validate your estimates.** Compare them to the time required on similar efforts that have been completed. Ask colleagues or members of your team to examine the schedule and identify potential problems with it.

2.6.2 Keep your eye on the big picture

As you consider the many different tasks and steps you need to complete, you may well find yourself compiling a dauntingly long "to do" list. Take a moment to prioritize your list items based on how well they support the big picture – the objectives you are trying to achieve.

If you're planning for your whole unit, you likely have multiple objectives. Ask yourself, "Which of these are the most critical – that is, which will generate the most important results for my unit and organization? Which are more peripheral – in other words, which



Explain that priority setting is an important aspect of planning and strategic thinking.

Give an example "Have you ever been in a meeting and found yourself surrounded by flipcharts with boundless ideas, and not known how to narrow them down to something credible, meaningful and actionable?" Generally, it's easy to generate lists of potential actions, programs, interventions, policy options, etc. The challenge, however, is how to decide which ideas should become priorities for action.

Ask participants when or why they need to conduct priority setting.

- *when there are many ideas on the table, and the organization needs to make decisions on which ideas will become priorities,*
- *When you are starting a new program, or revisiting a current program, and need to plan your program goals and objectives.*



don't have as much bearing on my organization's high-priority goals?"

By identifying high-priority actions, you can more easily figure out how to use your time and which tasks to focus on in what sequence. You can divide your workload into parts and determine which parts should be done today, tomorrow, next week and next month. You can also more readily identify which less strategically important actions can be delegated to members of your team—or even be left undone. . Be sure to hold meetings to update and review regularly.

2.6.3 Making trade-offs

Prioritizing always involves making trade-offs. Applying your strategic thinking skills means assessing the trade-offs involved in selecting a particular course of action—and selecting the most appropriate trade-off.

For example, your budget for a major initiative has enough funding to cover three of the four deliverables you'd like to see the initiative provide. After talking with others in your organization, you decide which deliverable to omit.

Tips for making trade-offs

- Assess your choice's pros and cons
 - What advantages and disadvantages might be associated with that choice?
 - Consider your organization's strategic outcomes and plans
 - Which of the pros and cons are emphasized in these goals?
- Weigh short- and long-term outcomes
- Balance unit and organization needs
 - Some decisions involve trade-offs between your department or group and the organization overall
- Learn to say "No"
 - Setting boundaries is tremendously valuable because it enables you to not waste time on projects or initiatives that will jeopardize others or that will be shut down later.



Explain that there are always trade-offs and decisions which must be made about which is the most appropriate trade-off.

Ask participants some tips or hints they have used to assess trade-offs.



2.7 Plan financial resources

2.7.1 Allocating funds and forecasting

You probably looked at your budget to some degree when conducting an environmental scan. Now is the time to take a good look at your budget. What is your financial picture? Do you have the financial resources that you need? Remember to keep your budget up to date. Your forecasts should be accurate and include any new items that may result from your planning exercise.

Think about the costs associated with what you are planning. Allocate funds to the various activities in your plan.

2.7.2 Contracting and procurement

When developing a plan for your year or for a specific initiative, you need to think ahead to any contracting or procurement needs.

You should identify current and future purchases needed for your unit to achieve its objectives. This will ensure that you obtain your required goods or services on time and will help the contracting officer obtain best value by managing your commodities.

There are four phases in the contracting process. The first two phases are the most important in planning your procurement to ensure that sufficient time is provided to allow the procurement process to be handled within the laws, rules and regulations.

- Pre-contractual phase: Planning
- Contracting phase: Bidding and awarding of contract
- Contract management phase: After the contract is awarded
- Post-contract phase: Close out, warranty and audit

Good procurement planning includes:

- Contacting the Contracting and Materiel Management Directorate at the early stages of your planning process. They will be able to review your forecasted expenditures and advise you on next steps in acquiring goods and services, such as using existing procurement vehicles and tools.
- Looking for long-term solutions and consolidated requirements to plan for the future.
- Developing a solid statement of work and determining what evaluation criteria will be used to determine the winning bidder when you do require a contract.



Explain that when conducting strategic planning, there are many factors which must be considered including financial and human resources. Ask participants to identify key questions or considerations related to financial resources.

Possible responses:

- *What kind of costs would you associate with each of your key activities?*
- *What is your budget situation? Do you have the financial resources you require?*
- *What limitations, impacts, or constraints might there be due to your financial and / or human resources situation? How might these impact project deliverables? How might you overcome any challenges related to financial and/or human resources?*
- *What is the most efficient use of acquiring/utilizing financial resources?*
- *How many resources are needed to implement your idea? What resources do you currently have?*
- *Do you have enough resources? If not, do you need to re-prioritize?*
- *Are there resources on other teams that you could use?*
- *Do your people need training to implement this idea?*
- *Could you meet any of your people's learning and development needs through this idea?*

**These practices are to be avoided:**

- Reverse engineering approach – finding the company first and then starting the procurement process.
- After-the-Fact (ATF) contracts – goods or services are requested and/or delivered without contracting authority or above your authority according to the delegated authorities for contracting (section 41 of the *Financial Administration Act*). These cases are reported to senior management and are subject to consequences.
- Procuring without a written contract. Verbal commitments (in person or over the phone) **must** be supported by a written contract.
- Contract splitting – splitting a requirement into a number of contracts to avoid having to award the contract through competition or to avoid the trade agreements. This does not reflect the proper approval and signing authority limits. This practice contravenes Treasury Board policy.
- Employer/employee relationship – ensure that the consultant relationship is differentiated from the employee relationship (deliverables, working space, attending events, etc.).
- Former public servants – there are special rules when you want to contract with former public servants in receipt of a pension. Special approvals are required and these contracts are reported to the Minister.

2.8 Plan human resources

Through human resources planning, you identify current and future human resources needs for your unit to achieve its objectives.

Often, you may find that you don't have the ideal number of people to get the job done. Sometimes, you will be able to propose staffing strategies, whether temporary or permanent. When that's not possible, you will need to figure out how to accomplish your objectives with the people that you have. This is where the priorities you set become very important.

As you've seen in other steps, collaboration at this stage can also help you accomplish your goals. For example, another team may be able to lend you a few employees to work on a portion of your project or may be able to provide advice or information resources that would reduce your need for additional human resources.



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The other important aspect of human resource planning is considering factors such as training needs, employee development and succession planning.

2.8.1 Identify your needs

In the previous planning steps, you scanned your team and your organization and likely determined HR-related drivers. Next, you probably identified HR gaps and risks and set priorities. Use this information to identify what your HR needs are.

- Do you have any immediate hiring needs in order to achieve your objectives?
- Do you foresee any skills shortages or requirements on your team due to employees leaving or new activities that have been tasked to you?
- Do you have enough qualified people on your team to fill vacancies in the event of unexpected departures?
- Do your employees require any training or development in order to achieve the objectives in the plan?
- Do you need to reorganize the workload distribution?
- Do the objectives relate to any learning or development opportunities requested by your employees?

2.8.2 Assign tasks

Once you have answered the questions above, you must assign the activities in the plan to people.



Explaining your plan should provide clear and straightforward performance measures.

2.9 Establish performance measures

Measuring performance outcomes is key to assessing progress on core activities and priorities. In your plan, you should determine clear and straightforward performance measures.

Define expected outcomes

Include in your plan a succinct description of what your unit, project, etc. will achieve (outcome) or what it will produce (output). Depending on the type of plan, there may be only one outcome/output or many. Sometimes, several lower-level outcomes/outputs may contribute to one higher-level outcome/output.

Think back to your objectives.

- *What will indicate to you whether the objective has been achieved?*

Indicators can be qualitative or quantitative, but they must be measurable.

- *How will you collect the data you are using to measure performance? How often will you collect it? Is it reliable and accessible?*



Define key performance indicators

Key performance indicators (KPIs) are the means of measuring whether you have succeeded in achieving your expected outcome/output and to what extent. KPIs can be either quantitative or qualitative.

Quantitative indicators capture links between resources spent and results achieved. Qualitative indicators can reflect factors such as relevance of activities to clients, satisfaction of clients served, etc. Aim to develop three indicators per output or outcome.

For example, if your objective is to improve the security of a computer network, a quantitative indicator would be a reduced number of hacks per month. You can easily measure this by monitoring the number of hacks before and after the implementation of the plan.

Identify data collection sources, frequencies and responsibilities

Based on the quantitative and qualitative indicators you have defined, figure out where you get the required data from as well as how accessible and reliable it is. You must also decide when and how often you will collect data. For example, you could collect data every quarter, at year-end, etc.

Data sources can be:

- Administrative, such as:
 - Number of FTEs
 - Amount (\$) allocated to an activity
 - Waiting time at the border
- Primary, such as:
 - Surveys
 - Interviews
 - Focus groups
 - Observation
- Secondary data, such as:
 - National statistics

Keep in mind that you will likely need to commit some of your team's human resource capacity to developing performance measuring tools, collecting and analyzing data and creating reports. You need to identify who will be responsible for data collection and what method they will use.



2.10 Monitor and report

Once your plan is implemented, you need to monitor and report on your performance outcomes in order to assess your progress.

The reporting process is designed to clearly and accurately explain the extent to which intended goals and objectives were achieved and at what cost.

Reporting principles

When reporting, refer to the following principles:

Principle 1: Focus your report on how your plan benefits Canadians, explain the key points of your planning and performance measurement and set them in context.

Principle 2: Present credible, concise, reliable and balanced information.

Principle 3: Associate performance with plans, priorities, and expected results, explain any changes you made to your plan, and apply lessons learned.

Principle 4: Link resources to results and discuss the impact of changes in resources.

2.11 Implementing plans

Plans often involve the implementation of new activities that will need to be communicated to your team and other stakeholders. Communication can help secure buy-in and facilitate a smooth transition for all involved.



Exercise: 2 hours (includes time for team presentations)



Present the exercise. This exercise can be done in small groups. Refer participants to the Appendix. Make sure participants understand how each section of the chart is based on a planning step found in this module.

Explain that the remainder of this module contains more details on each of the planning steps. This content as well as the corresponding tips in the Workbook chart are intended to assist participants in completing the exercise.

Divide participants into small groups to brainstorm ideas that could be used to complete the exercise.

After about 20 minutes, call the groups back and explain that they must choose one of the ideas to develop into a plan. This plan will be presented on the last day of training. They may continue to work in groups or independently.

Lead the class to complete the “CBSA priorities or objectives” section in their Workbook. Debrief to ensure understanding. Explain that time will be allocated each day to work on this exercise. Later, it could be used as a future presentation to their director.

Set aside time (30 minutes) at the end of each day for participants to ask questions and complete the exercise. On the afternoon of the final day, each participant will be given 5-10 minutes to present their plan.

After the presentations on the last day, debrief the exercise to highlight the use of the planning steps. Also give constructive feedback on each plan that is presented by participants

Exercise 1 – Planning case study

The Agency has embarked on different initiatives resulting in a strategic evolution of our organization. One such initiative is Border Modernization which you may have contributed to. Another example includes the People Strategy. At your port, you may have contributed to strategic activities of your own.

In this exercise, you will plan and present a strategic recommendation that will further enhance border management. This could be national in scope or specific to your port.

Instructions:

1. First, your facilitator will divide you into groups. In your groups, brainstorm changes you would recommend to further the Agency’s goals or those of your port.
2. Choose an idea to develop into a plan and a presentation.
3. To complete this exercise, refer to Appendix - Exercise 3 – Planning case study in this guide. Here you will populate all the information for the plan based on your modernization idea. Start with “CBSA priorities or objectives.”
4. Each team will present their plan to the class.



Unit 3 – Coaching

Learning objectives

At the end of this module, you will be able to:

- Identify the different coaching styles
- Explain when to use the different coaching styles



"Coaching", including exercise - 60 minutes

3.1 What is coaching?

Part of performance management is coaching your employees by providing them with regular feedback.

Employee coaching is defined as a developmental activity in which an employee works one-on-one with their direct manager to improve or enhance current job performance. Coaching enables you to maintain good employee performance, motivate and foster employee growth, and improve poor performance. By coaching your employees regularly, you will find it easier to fulfill your performance management obligations.

You should take the time to coach **all** of your employees, not just those that you feel need extra help or those who are high performers.

Keep in mind, however, that coaching is not meant to replace training. You are not teaching your employees how to do their job. Rather, you are giving them performance-related feedback. Done well, coaching can turn performance management into a collaborative process that benefits everyone.



Ask participants the following to introduce coaching:

- Have you ever felt that you were a coach to your employees, or have you been coached during your career?
- What kind of coaching was it?
- What did you think of this experience?



Link the coaching unit to the Leader Profiles that were discussed earlier by stating that knowledge, skills, and abilities are enhanced 70% through on-the-job experience, 10% through formal training, and 20% by coaching. Given the role that coaching plays in our workplace, knowing when to use different coaching styles is of paramount importance.



3.1.1 Styles of coaching



Highlighting positive performance is just as important as correcting poor performance. Giving positive feedback builds the employee's trust and confidence and makes giving constructive feedback much easier.

The way you coach an employee will depend on what the employee needs and what you need from the employee to meet your objectives. For example, some employees may want to take on new challenges, whereas others may need to improve in certain areas.

The needs of employees will influence the style of coaching that you adopt. The following are examples of coaching styles:

Positive coaching

When to use	What to do
<ul style="list-style-type: none"> Continue to motivate an employee that is performing well Add new responsibilities to an employee's job Help an employee develop or enhance a skill Prepare an employee for a new assignment, project or promotion 	<ul style="list-style-type: none"> Clarify your expectations for development of the employee Define the desired behaviours and activities Help the employee identify steps to develop and grow Provide support and resources as needed

Corrective coaching

When to use	What to do
<ul style="list-style-type: none"> Help an employee change or improve performance Have an employee take responsibility for change Establish required actions, consequences and time limits 	<ul style="list-style-type: none"> Focus on the situation, issue or behaviour rather than the person Identify the unsatisfactory behaviour Describe the impact of the behaviour Discuss ways to improve the performance Set an action plan and clarify accountability and consequences Set a time limit for improvement and when you will meet again



What have you done to give positive feedback to your employees? When do you do it? What did you say or do?



Present slides: Coaching Styles – Positive



Have you done any corrective coaching? What did you say or do?



Present slides: Coaching Styles – Corrective



Don't forget to let the employee know when they are improving. Reinforcement is key!



Coaching to solve problems

When to use	What to do
<ul style="list-style-type: none"> • Work bogs down or tasks become blocked • Encourage employees to take ownership for identifying problems and solutions • Facilitate a process for working jointly on a problem where the employee takes the initiative and you act as a resource 	<ul style="list-style-type: none"> • Define the problem • Explore ideas and solutions • Test the feasibility of all solutions • Decide on the best solution • Implement the solution • Monitor and follow-up on results



Have you coached to solve problems? How did it work?

Coaching to guide development

When to use	What to do
<ul style="list-style-type: none"> • Guide an employee's long-term growth and development on the job • Plan and provide for growth opportunities • Share knowledge and experience with employees 	<ul style="list-style-type: none"> • Work with the employee to identify specific leadership and management competencies to develop • Provide training for the employee • Assign the employee to special projects or committees • Serve as a resource to the employee for ideas, contacts and problem-solving • Look for potential strengths and skills of employees and identify ways to develop them



Ask participants if it is more challenging to coach to solve problems or coach to guide development? What have you done when coaching to guide development?

3.2 Effective Coaching Tips

The following are tips for effective coaching:

1. **Verify that the employee would like to be coached.**
Coaching an employee who is not interested is a fruitless task that can leave you and your employee frustrated. It's better to ask rather than impose.
2. **Tailor the way you coach to your employee's needs.** When you provide coaching that is not relevant to the employee, it may be of limited value and frustrating to you as well as the employee. Get to know your employees so that you can choose language appropriate for them.



Do you have any tips to add?



3. **Make sure that the employee understands the purpose of the coaching.** If the employee does not understand the purpose or has unrealistic expectations, the message may not be properly understood.
4. **Encourage the employee to function independently.** It is important to allow employees to make their own decisions and thereby increase their autonomy. The employee should bear the main responsibility for determining what action to take.
5. **Minimize arguments.** Even one argument can put you and your employee on the defensive. Try to accept what the employee says and build on it.
6. **Make sure you follow up with your employee.** When you follow up, you are communicating your interest in the employee's development and improvement. If you fail to follow up, the employee may feel that the coaching was artificial and not that important. Consequently, they may lose interest in improving the performance at issue.
7. **Document.** Keep records of your coaching discussions (when, where, topics discussed, decisions made). If you do eventually encounter an ongoing performance problem, you need to be ready to apply the consequences. Without proper documentation of your efforts up to that point, this will not be easy.



Exercise: 20 minutes



Explain the exercise. Divide the participants into pairs and refer them to this exercise.

Have participants complete the exercise. Debrief by asking participants to share some of the good techniques or phrases that they saw their partner use or that they use personally.

Exercise 2 – Coaching Discussions

One of the most difficult parts of a coaching discussion is providing constructive feedback. Yet this feedback is critical to addressing issues right away and preventing bigger problems and mixed messages.

Let's practice having coaching discussions. Break into pairs and read through the feedback checklist. Then, use the example scenario provided below or think of your own scenario involving an employee or a supervisor to whom you want to give constructive feedback about a particular behaviour. If you are thinking of your own scenario, tell your partner what the scenario and behaviour are.

Give feedback to your partner as if they were the actual recipient that you chose.

- Say the words and phrases you would use
- What questions would you ask?
- What solutions would you propose?



After each of you present your feedback, critique each other by referring to the checklist. What aspects of the feedback were done well? What could be improved?

Coaching Feedback Checklist

- ☐ Be open and ready for a variety of outcomes
- ☐ Be specific - focus on a particular behaviour
- ☐ Describe the facts - what happened and what the effects were
- ☐ Relate feedback to the job, not the person
- ☐ Use "I" statements instead of "you" statements
- ☐ Avoid absolute words like "always" and "never"
- ☐ Leave out factors that are out of the recipient's control
- ☐ Use positive statements before and after negative statements
- ☐ Check understanding - for feedback to be effective, you should make sure that the recipient understands the feedback properly
- ☐ Show empathy and try to see the recipient's perspective. Use phrases like:
 - o "I can relate to your situation"
 - o "I understand where you're coming from"
 - o "How can I help you with this?"
- ☐ Ask questions
- ☐ Request rather than order the recipient to do something
- ☐ Encourage recipient to think of solutions
- ☐ When discussing a solution, make sure the recipient understands why, when and how they will do what is needed; how you and others will know that they are on track; and how you and others can help



Close the activity by asking participants if there were aspects from the checklist that they found more difficult



Explain that coaching enables you to maintain good employee performance, motivate and foster employee growth, and improve poor performance. By coaching your employees regularly, you will find it easier to fulfill your performance management obligations.

Conclusion

Next Steps

Ensure that you review the content of this course thoroughly and see your instructor as soon as possible if you have any questions.



Appendix - Exercise 1 – Planning case study

1. Determine your objectives and key activities	
CBSA priorities or objectives or local priorities or objectives <i>Consider looking at the CBSA's Report on Plans and Priorities, the Strategic Framework or other Agency priorities or strategies.</i> <i>How does your idea support these higher-level goals?</i>	
Objectives of your idea <i>What is your idea going to?</i> <i>What is the goal?</i> <i>Your objectives should be SMART:</i> <div style="text-align: center;"> <i>Specific</i> <i>Measurable</i> <i>Attainable</i> <i>Relevant</i> <i>Trackable/Time-bound</i> </div>	
Expected outcomes <i>What is the CBSA going to look like once your idea is implemented? Take it down to a lower level (e.g. program, branch) if your idea doesn't affect the whole Agency.</i> <i>What is the end-state that you have in mind?</i>	
Key activities <i>What activities are going to be involved in making your idea happen?</i>	



2. Conduct an environmental scan	
<p>Factors to consider</p> <p>Internal drivers and external drivers that may affect the achievement of your objectives</p> <p><i>What specific people, units, programs, etc. would you need to consult with in planning your idea?</i></p> <p><i>Think about the people, budget, tools, etc. that you currently have.</i></p> <p><i>What's going on elsewhere in the Agency that might impact your idea?</i></p> <p><i>What's going on in the world that might impact your idea?</i></p> <p><i>Who are the stakeholders? Who will help you, oppose you?</i></p> <p>Remember: Drivers are facts or realities. For example, if you are planning to implement a project within a two-week turnaround time</p>	



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<p><i>and require VP approval, an internal driver might be the fact that obtaining VP approval in your branch takes three weeks on average.</i></p>	
<h3>3. Analyze gaps and risks</h3>	
<p>Gaps</p> <p><i>Based on your e-scan, where are you now? Based on your objectives, where do you want to be? What is required to get from one to the other? What strategies could you use to “bridge the gap”?</i></p>	
<p>Risks</p> <p><i>Based on your e-scan, what risks might prevent you from achieving your objectives? Are some more severe than others? What impacts would those risks have? Is anything currently in place to mitigate these risks? Do you need to do more? If yes, what strategies should you use?</i></p>	



4. Set priorities	
<p>Activity (with breakdown)</p> <p><i>Estimate the length of time the various activities will take.</i></p> <p><i>Identify activities that can't be completed until other activities are complete.</i></p> <p><i>Prioritize these items – keep your eye on the big picture.</i></p> <p><i>Do you need to make any trade-offs?</i></p>	
5. Plan financial resources	
<p>Costs</p> <p><i>What would this idea cost? What kind of costs would you associate with each of your key activities?</i></p>	



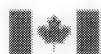
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<p>Contracting and procurement</p> <p><i>Are there purchases you will need to make?</i></p> <p><i>Do you need the help of external companies? If yes, you need to have a contract in place and plan for enough time to do so.</i></p>	
6. Plan human resources	
<p>Number of resources</p> <p><i>How many resources are needed to implement your idea?</i></p> <p><i>What resources do you currently have?</i></p> <p><i>Do you have enough resources? If not, do you need to re-prioritize?</i></p> <p><i>Are there resources on other teams that you could use?</i></p>	
<p>Human resource considerations</p> <p><i>Do your people need training to implement this idea?</i></p> <p><i>Could you meet any of your people's learning and development needs through this idea?</i></p>	



7. Establish performance measures	
<p>Key performance indicators</p> <p><i>Think back to your objectives. What will indicate to you whether the objective has been achieved?</i></p> <p><i>Indicators can be qualitative or quantitative, but they must be measurable.</i></p> <p><i>How will you collect the data you are using to measure performance? How often will you collect it? Is it reliable and accessible?</i></p>	
8. Monitor and Report	
<p>Securing buy-in</p> <p><i>How will you help your stakeholders adapt to the change your idea will bring?</i></p> <p><i>How will you secure their support?</i></p>	

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Professional Standards

Reviewed by: Security and Professional
Standards Directorate
May 15, 2019



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Part I – Insider Threat, Security Concerns and Misconduct

Part II – Management of Misconduct

Part III – Fact Finding

Part IV – Interview Techniques



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Part I

Insider Threat, Security Concerns and Misconduct



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Topics of Discussion

- Minimum Expected Standards of Conduct
- Law Enforcement Agency
- Misconduct
- Fraud
- Insider Threat
- Behaviours / Personality
- Techniques / Methods
- Indicators
- Reporting Misconduct
- Avoiding and Mitigating Misconduct



Objectives

The objective of this session is to raise awareness of:

- The expected standards of professional conduct for all employees both on- and off-duty.
- The methods of detecting, reporting, avoiding and mitigating situations involving misconduct.



The Minimum Expected Standards of Conduct

- The Values and Ethics Code for the Public Sector
- The CBSA Code of Conduct
- The Policy on Conflict of Interest and Post-Employment



The CBSA has a Law Enforcement Mandate





What is Misconduct?

When an employee:

- Violates legislation, policies, rules and regulations administered by the CBSA
- Violates any legislation for which criminal sanctions are applicable
- Brings the CBSA into disrepute or affects the Agency's working relationship with law enforcement partners



The Most Frequent Types of Misconduct

Discreditable
Conduct

Misuse of IT
Systems

Criminal
Association



Discreditable Conduct

On- and off-duty conduct which is likely to harm the reputation of the employee and/or the Agency





Discreditable Conduct

SOCIAL MEDIA





Misuse of IT Systems

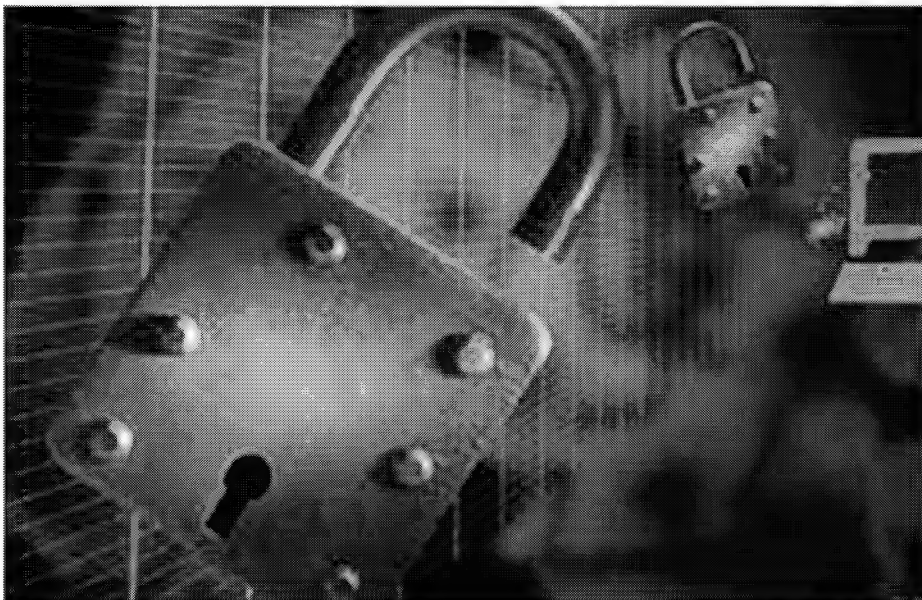
Non-compliance with policies, procedures or guidelines pertaining to information technology systems





Misuse of IT Systems

UNWARRANTED DATABASE CHECKS



Global Case Management System (GCMS)

The Integrated Customs Enforcement System (ICES)

The Canadian Police Information Centre (CPIC)

Intelligence Management System (IMS)



Criminal Association

Social, sexual, financial, or business associations
with individuals or groups who have ties to criminal
organizations



Criminal Association

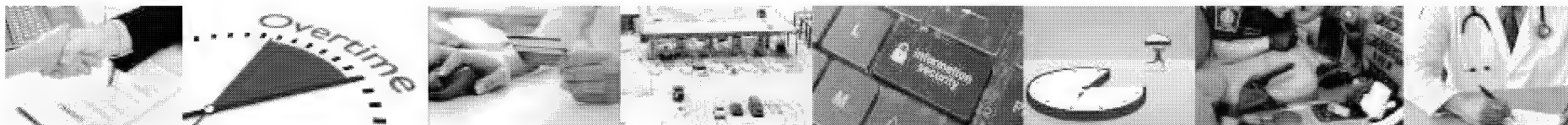


**OPENING THE DOOR FOR CRIMINAL
INFILTRATION**



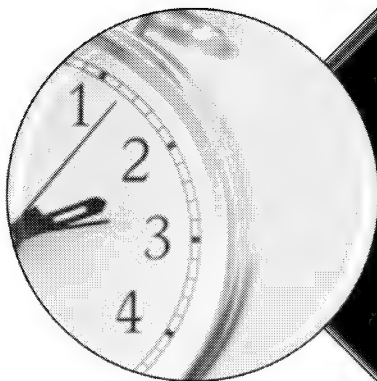
What is Internal Fraud?

Intentional act committed to secure an unfair or unlawful gain as well as the deliberate violation of laws, regulations, and policies by Agency staff (even when the benefit is non-financial in nature).





All organizations are subject to
fraud risks



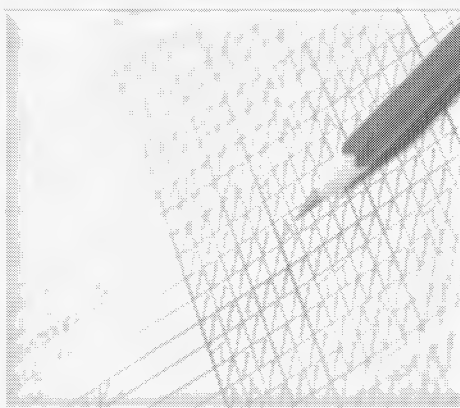
Early detection and quick,
appropriate action can reduce
losses



Fraud Types



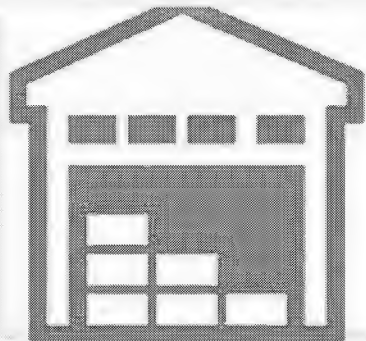
Asset Misappropriation



Fraudulent Statements and
Reports



Corruption



Asset Misappropriation



Damage, theft or misuse of CBSA assets (physical or information).

- ☐ *Government Property*
- ☐ *Information*
- ☐ *Other Assets*



Fraudulent Statements and
Records

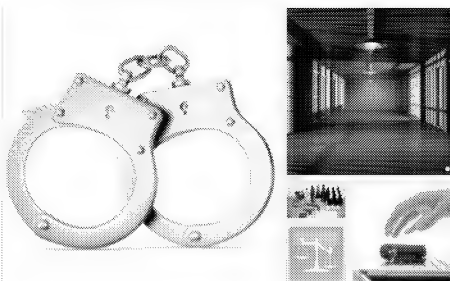


*The falsification or destruction of
financial or non-financial reports /
statements / documents in order to
obtain some form of improper gain or
benefit.*

- ☐ *Attendance – Time –Hours*
- ☐ *Falsification of Documentation*



Corruption



Dishonest or unethical conduct (bribery, facilitation, conflict of interest) by a person entrusted with a position of authority, often to acquire personal benefit.

- ☐ *Facilitation*
- ☐ *Conflict of Interest*



The Fraud Triangle



Explains the reasoning behind an individual's decision to commit internal Fraud.



The need that an individual attempts to satisfy by committing fraud



- Expensive medical bills,
- Expensive tastes,
- Addiction problems,
- Living beyond ones means,
- High personal debt or credit,
- Substantial financial losses,
- Undue pressure to succeed,
- Greed,
- A feeling of entitlement.



The belief that an act of fraud can be committed and remain undetected.



OPPORTUNITY

- Using one's position and authority as a means for engaging in fraudulent activity,
- Capitalizing on lack of monitoring/oversight,
- Using one's ability to deceive using minimal effort.



The ability to justify the fraudulent act



RATIONALIZATION

- “I do not care”,
- “I am just borrowing the money”,
- “Everybody does it”,
- “I am not hurting anyone”,
- “It is for a good cause”,
- “It is not really a serious matter”,
- “The organization can afford it”,
- “I deserve it”.

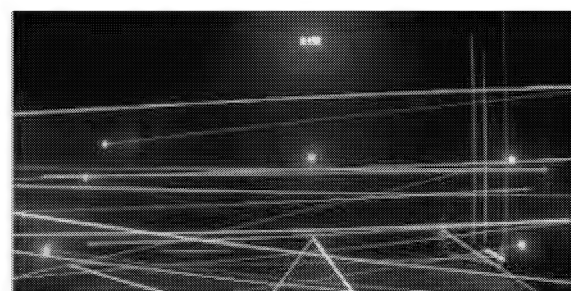
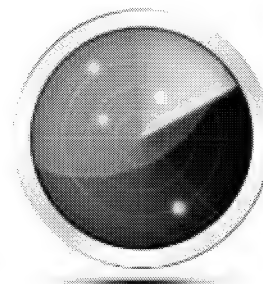
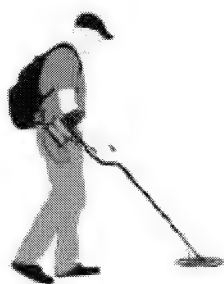


How is Fraud Detected?

Data Monitoring

Audit

Reporting





How is Fraud Detected?



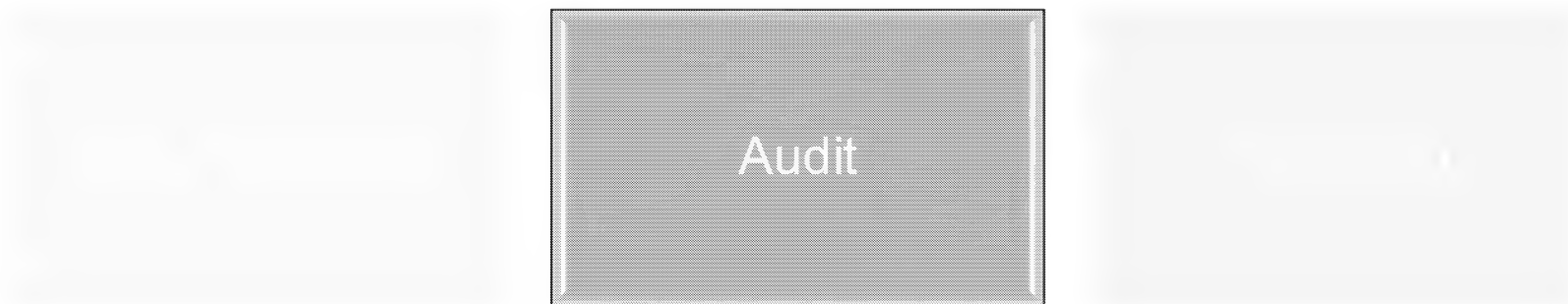
Monitoring of systems of internal control.

Monitoring and audit of controlled assets.

Monitoring sensitive database use and user activity on CBSA systems.



How is Fraud Detected?



Uncovering of system/program gaps and weaknesses related to fraud via:

- Internal Audit and Evaluation
- External Audit and Evaluation



How is Fraud Detected?



Based on **indicators** of fraud (misconduct) that can be observed
(and subsequently reported on) by all CBSA employees



An indictable offense that is punishable by a term of imprisonment not exceeding fourteen years.

↑ \$5,000 ↓

An indictable offense that is punishable by a term of imprisonment not exceeding two years, or in less serious cases, by an offence punishable on summary conviction.





Insider Threat

Any person with authorized access who causes harm, intentionally or otherwise, to the assets of an organization.





Factors that Can Increase the Risk of an Insider Threat

- A personal, financial, or career crisis often precedes or triggers the action. The individual is placed under great stress as a result of the crisis.
- Friends, co-workers and supervisors fail to recognize or ignore the signs of a serious problem. *Friends/colleagues may recognize the issue, but no one acts upon it.*
- The existence of Predisposing Personality Traits / Behaviours.



Behaviours / Personality

Narcissistic Traits

- Appear self-centred, entitled and undervalued
- React in a rebellious, passive aggressive or destructive manner when their needs are not met
- Feel the organization is unresponsive to their needs
- Resent authority
- Arrogant, angry and hostile
- Seek immediate gratification
- Inflated sense of self worth
- Intolerance to criticism, inability to accept responsibility

Anti-social Traits

- Tend to reject the normal rules of society
- Lacking in guilt or remorse when they do something wrong
- Being manipulative, self-serving



Techniques / Methods

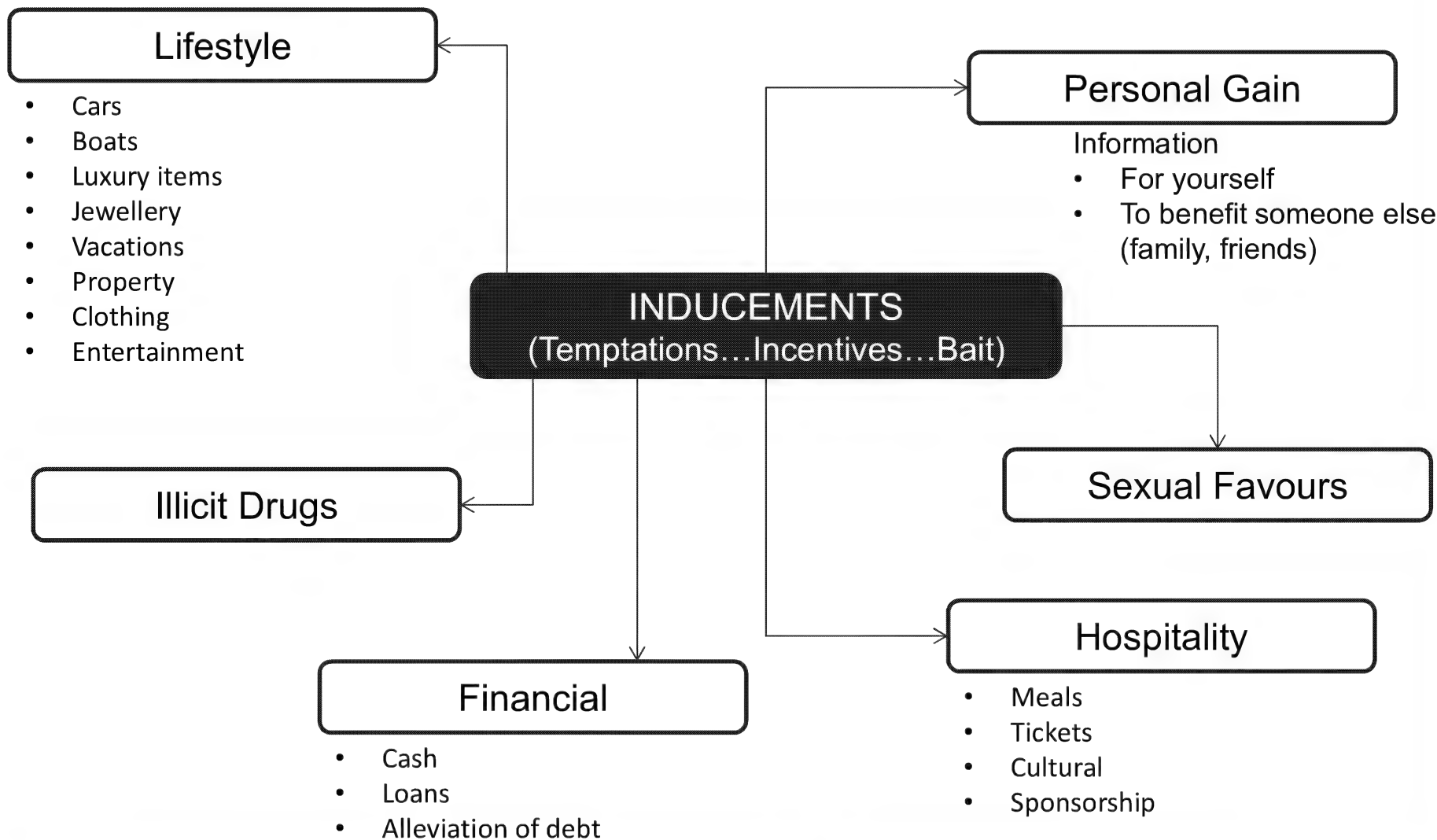
Two of the more common methods that are used by foreign entities or criminal organizations to gather information are



Elicitation



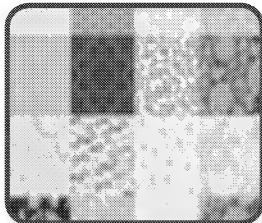
Cultivation



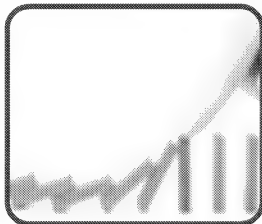


Indicators

There are a number of indicators that someone may be engaging in misconduct, or may be an Insider Threat. Keep in mind that:



Indicators are never in isolation, they form an over-all pattern of behaviour.



Indicators are not predictors, but they do present an opportunity to intervene.



Indicators

Financial

On duty

Off duty

Suspicious Behaviour

Associations / Travel



Reporting Misconduct

You have an obligation under the CBSA Code of Conduct to promptly report any allegation, suspicion or information concerning employee Misconduct to your:

- Immediate supervisor or manager; or
- Director (if the circumstances warrant it)

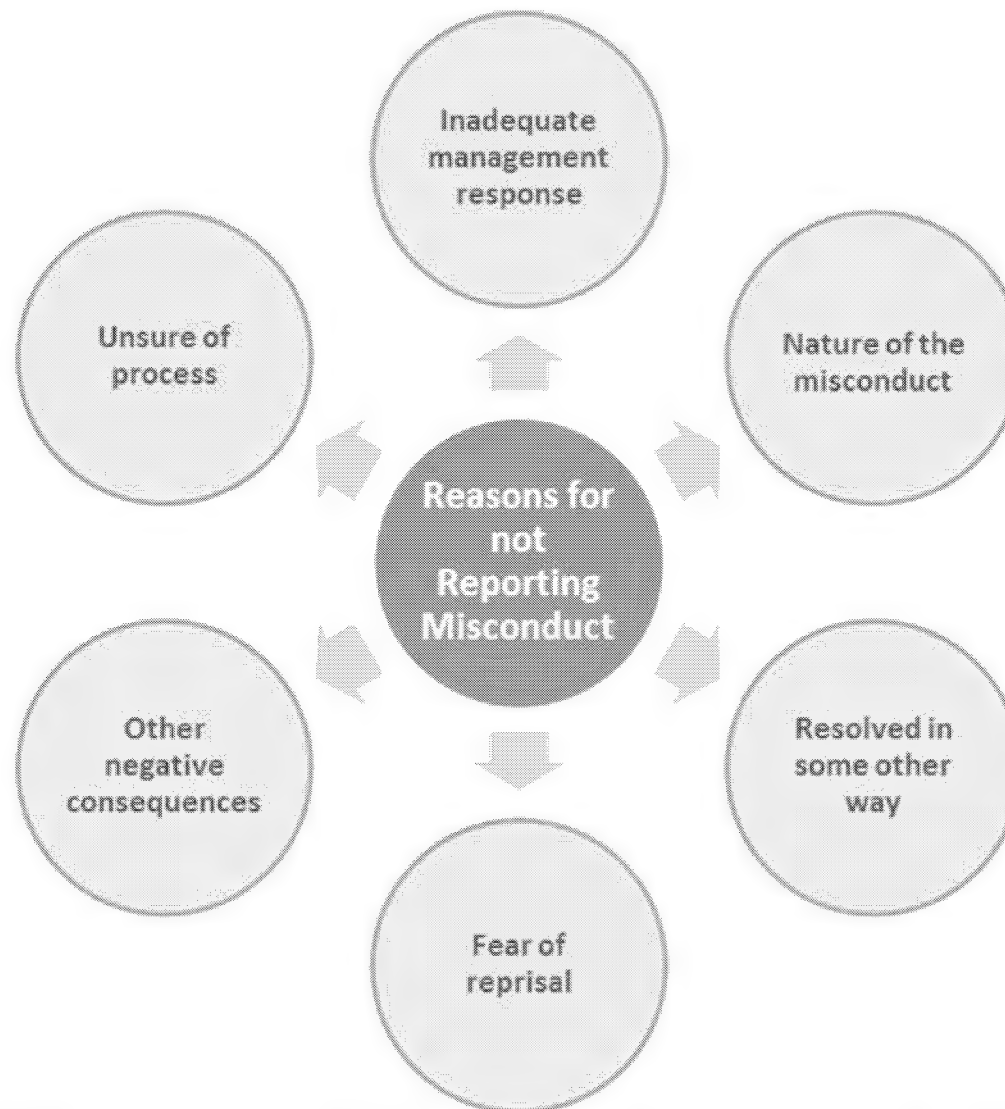


Self-Disclosure

You must self-disclose information to your immediate supervisor when you are in a situation that could:

- Harm the reputation of the CBSA
- Harm your reputation
- Give the impression that you may be involved in misconduct







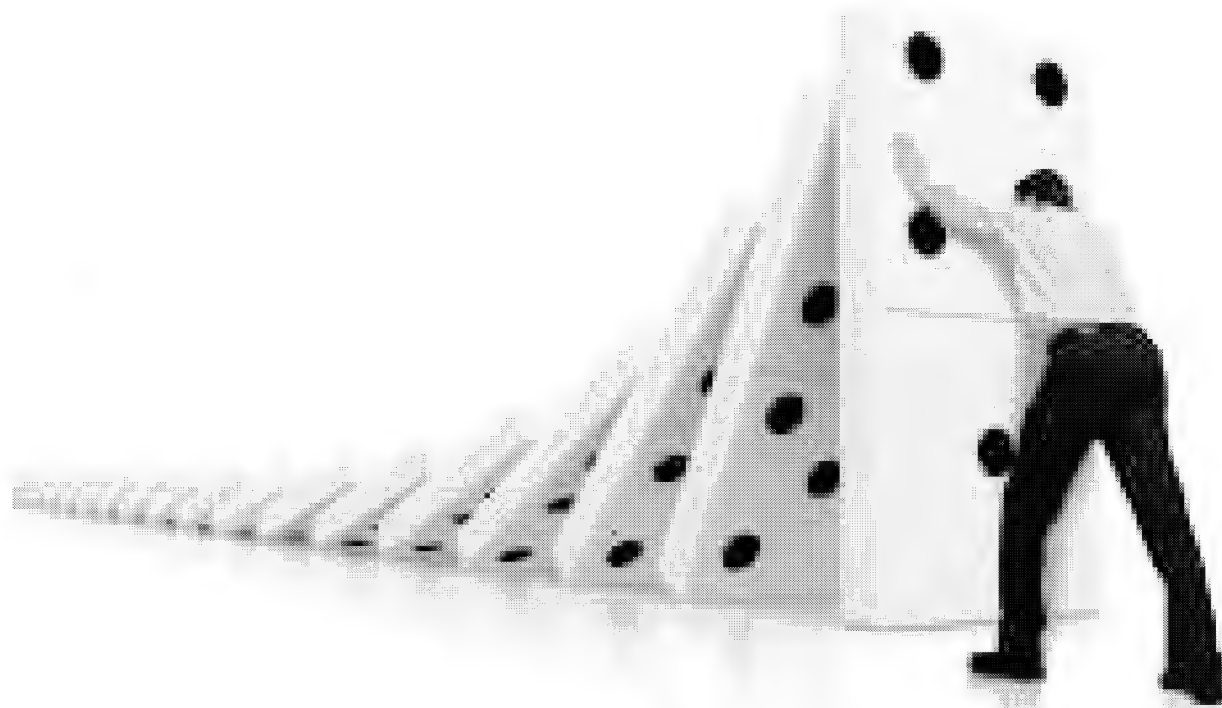
Consequences of Involvement in Misconduct

Application of the
Discipline Policy

Revocation of your Reliability Status

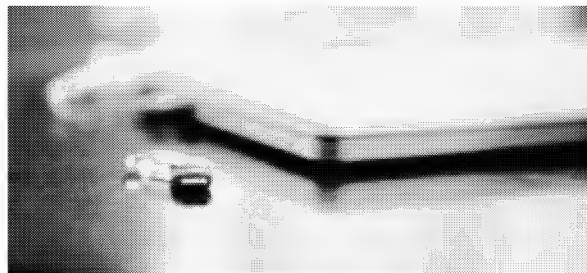


Avoiding And Mitigating Misconduct

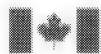




BETRAYED



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Part II

Management of Misconduct



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Case Studies

- Choose examples based on the location/environment



Employee Misconduct

All CBSA employees have an obligation under the Code of Conduct to promptly report any allegation, suspicion or information concerning employee misconduct to their immediate Supervisor or Manager.





Receipt of Misconduct

Steps...

- ☐ No “off the record” reporting
- ☐ Take notes of all relevant information
- ☐ Report – chain of command
- ☐ Do not investigate

Rapport d'incident - renseignements sur l'employé			
Nom complet (nom de famille, nom de naissance, initiales)			
Date de naissance - lieu de naissance		Date d'admission - poste actuel	
Description de l'incident			
Date et heure de l'incident			
Lieu de l'incident			
Description des faits			
Signature de l'employé			
Signature du supérieur			
Date et heure de la signature			

B6773
Reports



Senior Management Reporting Obligations

When an allegation of misconduct is received, senior management has a responsibility to inform the Security and Professional Standards Directorate (SPSD) within **twenty-four (24) hours** of becoming aware of the incident or complaint.





Preliminary Review

The Security and Professional Standards Analysis (SPSA) section is responsible for the review and analysis of all referrals of alleged misconduct and security concerns.





Administrative Investigations

A process initiated as soon as possible after an alleged act of misconduct/wrongdoing has been identified.

It is meant to establish factual and documented evidence to assist management in making an informed decision.

There are six types of Administrative Investigations within the CBSA.



Administrative Investigations

Professional Standards / Security Investigation

Investigation into serious allegations of employee misconduct which contravene the CBSA Code of Conduct, the Treasury Board Secretariat (TBS) Values and Ethics Code for the Public Sector, breaches of Government and CBSA policies, as well as security Incidents.



Administrative Investigations

Significant Incident Investigation

Investigation into incidents/events that that could cause embarrassment to the CBSA, or that could attract very negative media attention. They require special investigative skills to determine how and why the events actually unfolded. A significant Incident Investigation does not require an allegation of misconduct.



Administrative Investigations

Management-led investigation

Investigation into alleged employee misconduct determined to be less serious in nature and that can be handled by regional management.



Administrative Investigations

Harassment Investigation

Investigation into improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm.



Administrative Investigations

Violence in the Workplace Investigation

Investigation into any action, conduct, threat or gesture that can reasonably be expected to cause harm, injury or illness to an employee in the workplace.



Administrative Investigations

Senior Officer for Internal Disclosure (SOLD) Investigation

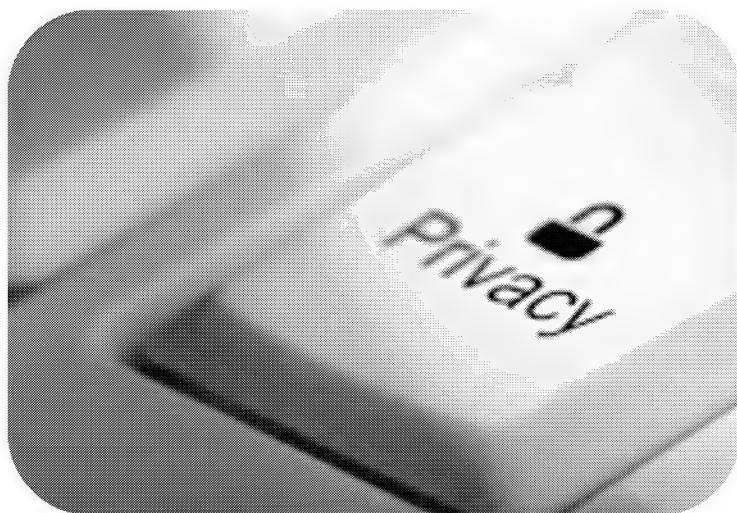
*Investigation of disclosures of wrongdoing as defined by
the Public Servant Disclosure Protection Act.*

A wrongdoing is defined as:

- A contravention of any Act of Parliament or of the legislature of a province, or any regulations made under any such Act;
- A misuse of public funds or a public asset;
- A gross mismanagement in the public sector;
- An act or omission that creates a substantial or specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of the public servant;
- A serious breach of a code of conduct such as the CBSA's;
- Knowingly directing or counseling a person to commit a wrongdoing set out under this Act.



Following an Investigation



Access to Information
and Privacy



Final Report



Founded Misconduct / Security Concerns



Disciplinary
Action



Review of
Reliability Status



Impact



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Part III

Fact Finding



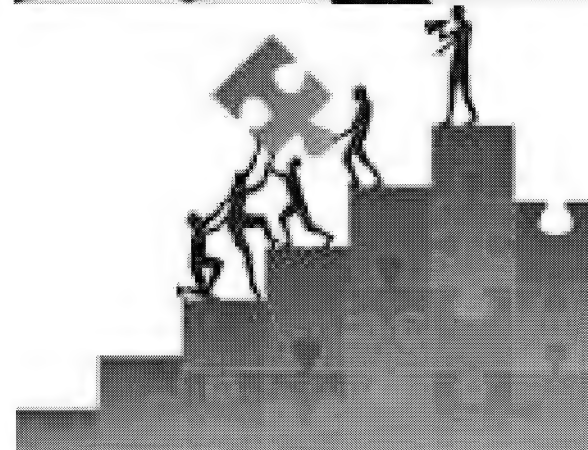
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What is a Fact Finding?

Involves the collection of information related to an allegation of misconduct.





Purpose

- A Manager's first opportunity to ask employees for reports, or question them in response to an "untested" allegation.
- An employee's first opportunity to speak with their Manager and present their side of events before a complaint turns into an administrative investigation.



Think of the Bigger Picture

Ask yourself if there may be evidence somewhere that needs to be secured before a management Fact Finding can take place.

A management Fact Finding will not be conducted when it may jeopardize an ongoing investigation or intelligence matter:

- Criminal associations
- Criminal activities
- Conspiracy or Facilitation of illegal activities
- Serious Fraud

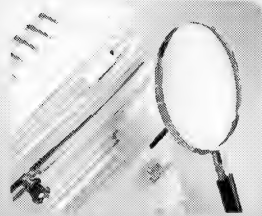


Overview

- ✓ Simple and quick.
- ✓ Gather facts to provide an indication to whether the alleged misconduct occurred or not.
- ✓ No conclusions have been drawn but there is the possibility of a follow-up action.
- ✓ There is no guarantee of anonymity or confidentiality to protect employees.
- ✓ Honesty on the part of the employee is required.
- ✓ Resolution of the fact finding is a top priority.



A Fact Finding is NOT...



An administrative investigation



A process for establishing guilt



A fishing expedition



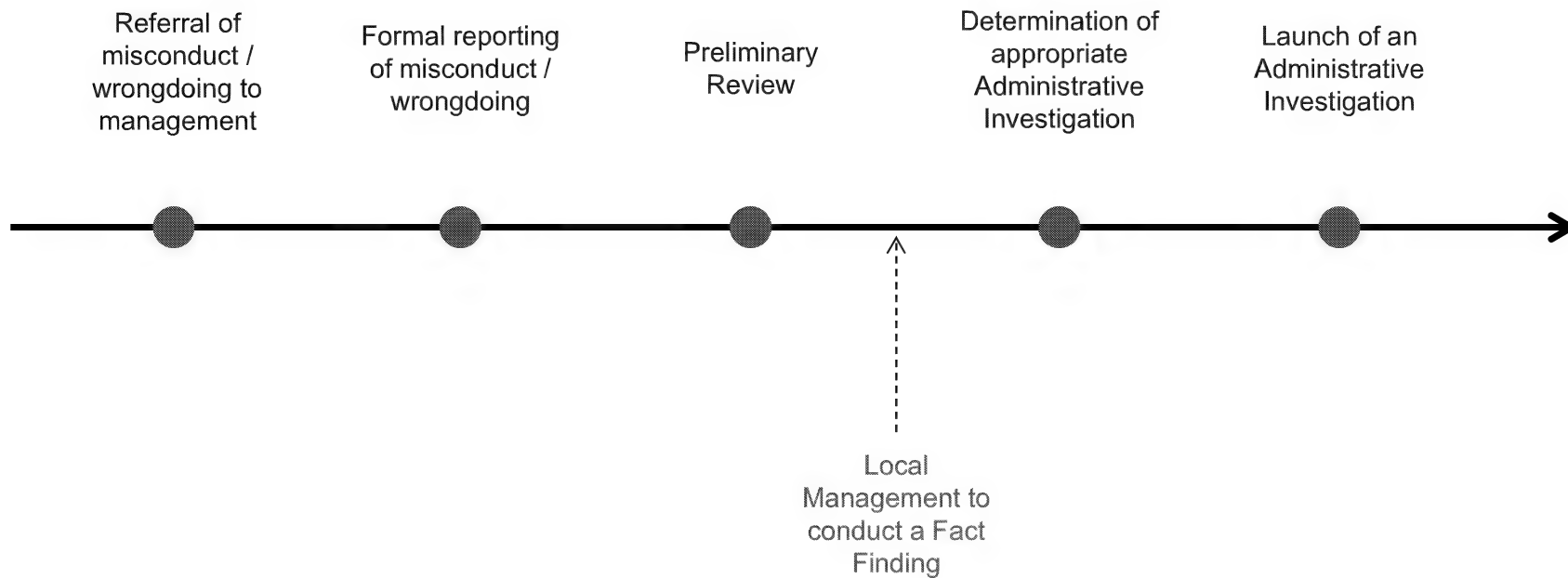
Procedural Fairness (Natural Justice)

- Inform people of allegation made towards them.
- Provide people with the opportunity to respond.
- Take into account all relevant factors and no irrelevant factors.
- Act fairly and without bias.
- Do not cause delay.





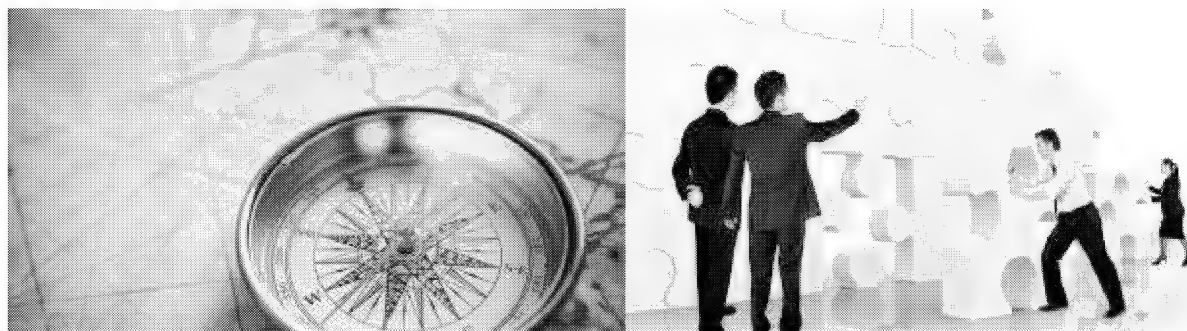
When does a Fact Finding happen?





Consultation with SPSA

Instruction to conduct a Fact Finding will be provided by the Security and Professional Standards Analysis (SPSA) section .





Welcome to the CBSA

Professional Standards Investigations Page

Our Responsibilities

The Professional Standards Investigations (PSI) Section is responsible for conducting investigative inquiries into alleged violations of all Canadian and international protection procedures, including the Police and Criminal Justice Act (PCJIA) and the CBSA policies and procedures, including the CBSA Code of Conduct.

Our Requirements

The Professional Standards Investigations Section is required to:

- confirm the allegations being investigated and whether a Professional Standards investigation is required and advise the respondent's Director of the results;
- ensure that any Professional Standards investigation is conducted in a fair and impartial manner, in an objective, thorough and professional manner, in accordance with the Professional Standards Investigation and Appendix B (Standards and Procedures for Conducting Professional Investigations) from the Policy;

Collaboration: The member making an allegation or suspicion of criminal misconduct by the respondent is referred to the appropriate police agency by an appropriate officer.

- provide the Director of the respondent with timely updates on the progress of the investigation and the final outcome;
- provide the Director General of the respondent with the final report of the Professional Standards investigation.

Contact Us:

Name	Title	E-Mail Address
Gemma McLaughlin	Director	Gemma.McLaughlin@canada.ca
T. Smith	Assistant to the Director, PSI Section	T.Smith@canada.ca
Mark Boudreau	Director, PSI Section	Mark.Boudreau@canada.ca
Corinne	Special Projects	Corinne@canada.ca
M. Lacombe	Senior Investigator	M.Lacombe@canada.ca
D. Kline	Senior Investigator, Web Admin	D.Kline@canada.ca
F. Proulx	Senior Investigator	F.Proulx@canada.ca
M. Proulx	Senior Investigator	M.Proulx@canada.ca
S. Elbow	Senior Investigator, Web Admin	S.Elbow@canada.ca

Investigation Documents and Templates

CBSA Reporting of Employee Misconduct

Initial Fact Finding Template

Investigation Preamble/Mandate

Notice to Director General of Formal Professional Standards Investigation

Notice to Respondent of Formal Professional Standards Investigation

Professional Standards Investigator's Manual

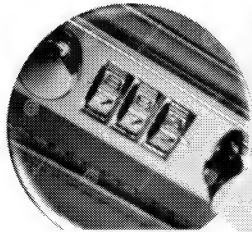
PSI Interview Notification to Respondent

PSI Interview Notification to Witness

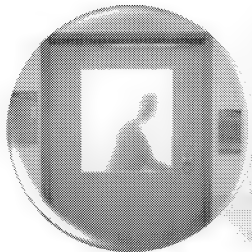
Report Template



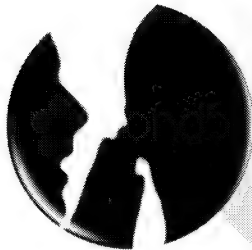
Communications



“Need-to-know”



Closed doors



Discretion



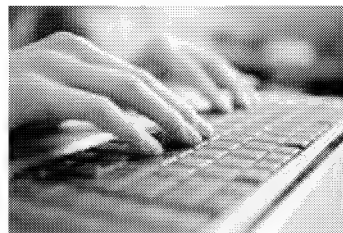
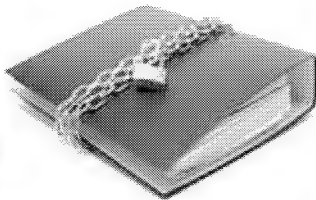
Documentation

- The Manager conducting the fact finding will take written notes and will give the individual an opportunity to review the notes at the end of the interview.
- All fact finding notes and reports form part of the alleged misconduct file and are subject to Access to Information and Privacy (ATIP).



Closing a Fact Finding

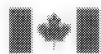
- Send all reports/documentation back to the SPSA.
- Normally completed within 10 business days.





Case Studies

- Choose examples based on the location/environment



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Part IV

Interview Techniques



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Preparation

Consider whether you have a relationship with the individual or involvement in the matter that could place you in a conflict of interest (Note: being the individual's Manager does not necessarily equate to a conflict).

Predetermine the core fact finding questions in collaboration with Professional Standards.

Do your homework.



Attire



Suit or sports jacket and tie



Business dress or suit

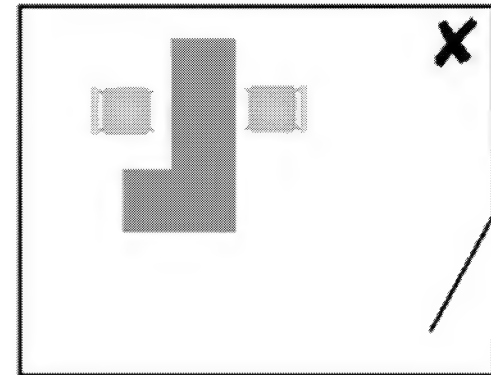
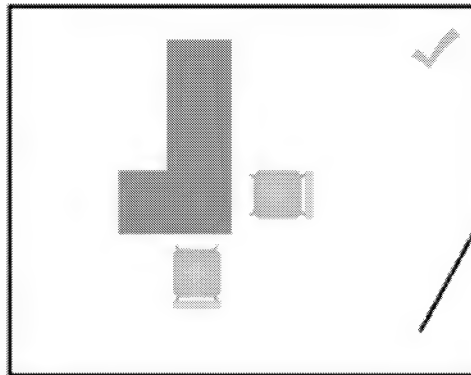
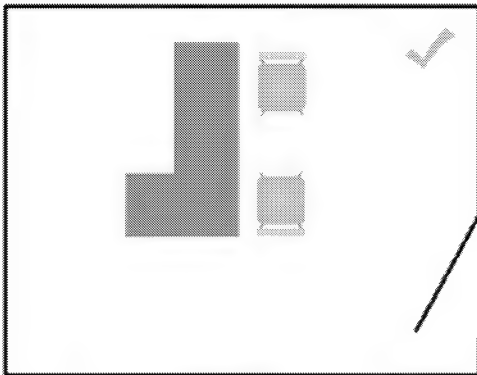


CBSA Uniform



Room Setup

- Pens / Pencil
- Distractions
- Direct view of body language
- Notes
- Position of chairs



Average distance is 4-6 feet



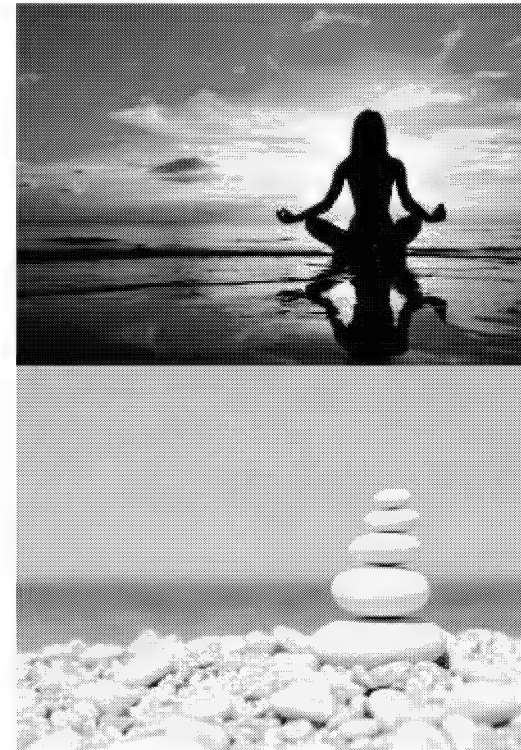
Elements of Good Listening

1. **Stop Talking** – You cannot listen if you are talking.
2. **Put People at Ease** – Help them feel free to talk.
3. **Show the Individual That You Want to Listen** – Look and act interested. Listen to understand rather than to reply.
4. **Remove Distractions** – Don't "doodle", tap or shuffle papers.
5. **Empathize With Them** – Try to put yourself in their place so that you can see their point of view.
6. **Be Patient** – Allow plenty of time. Do not interrupt. Don't start for the door or walk away.
7. **Hold Your Temper** – An angry person gets the wrong meaning from words.
8. **Go Easy on Argument and Criticism** – This puts them on the defensive. They may "clam up" or get angry. Do not argue; even if you win, you lose.
9. **Ask Questions** – This encourages them and shows that you are listening. It helps to develop points further.
10. **Stop Talking** – This is the first and last because all other elements depend on it. You just can't do a good listening job while you are talking.



Interviewer Traits

1. Remain objective and non-judgmental.
2. Practice self-awareness by identifying your own potential biases and putting them aside while conducting the interview.
3. Be curious and inquisitive.
4. Be non-argumentative and be a good listener.
5. Have a neutral expression.
6. Show a calm, controlled demeanor.
7. Show empathy and compassion
8. Take allegations seriously and don't be facetious.
9. Be ready for surprises.
10. Never yell/argue





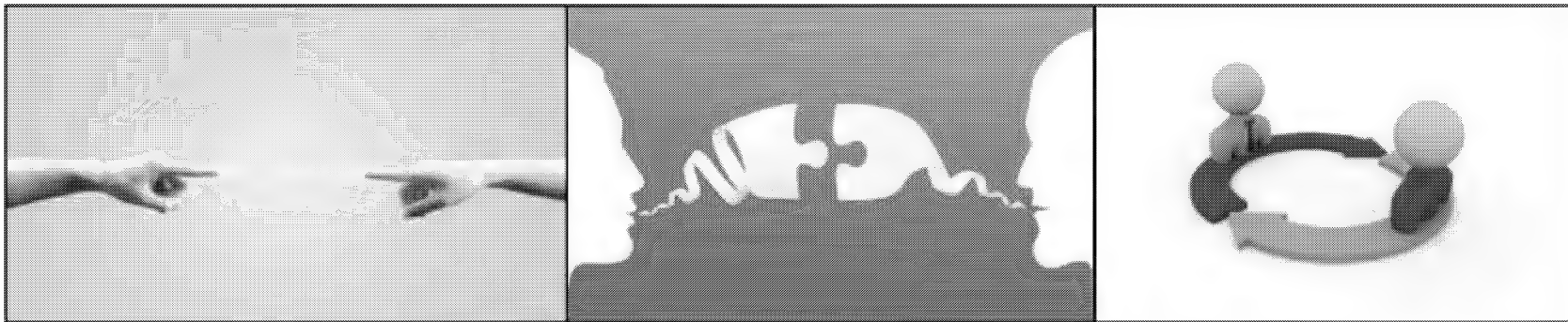
Starting the Interview

- Advise the individual of the purpose of the interview.
- Explain that you are taking every allegation seriously and are committed to finding the truth.
- Explain the need for full and honest answers.
- Control and lead the interview from the onset (*handshake*) and throughout.



Starting the Interview

- Develop a rapport
- Create a non-threatening atmosphere





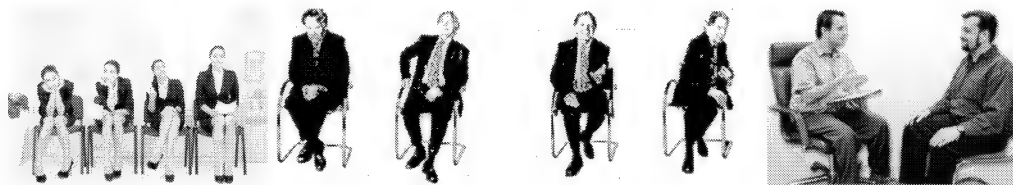
Body Language

What does a "lie" look like?





Trunk / Shoulder Position / Posture



Typically Truthful

Exhibits good posture

Appears comfortable and relaxed

Generally erect upper trunk with shoulders parallel to interviewer

Typically Untruthful

Trunk leans excessively

Shoulders slumped or rounded

Body shifting or frozen in place



Hands / Arms



Typically Truthful

Comfortable, coordinated, relaxed

Hands warm and dry

May lightly hold head or chin

Typically Untruthful

Scratches

Arms crossed or held tight to trunk of body

Loss of fine motor control or moves too fast



Legs / Feet



Typically Truthful

Comfortable, relaxed placement

Feet flat on floor

Legs or ankles crossed

Typically Untruthful

Legs extended or crossed to keep interviewer at distance

Shifts or crosses legs

Taps or circles foot



Head / Neck



Typically Truthful

Head straight or tilted slightly to either side

Sincere genuine expression

Nods lightly

Typically Untruthful

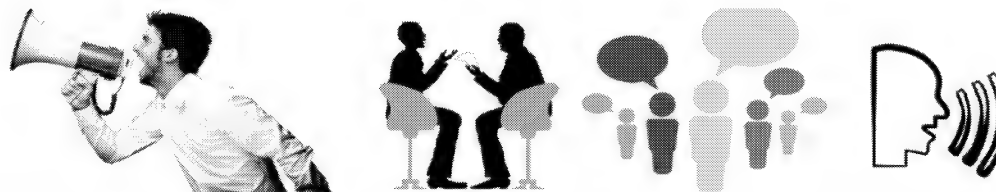
Head back or forward

Phony, beaten, or harried expression

Nods from waist or abrupt jerky movement of head



Verbal



Typically Truthful

Direct, timely response to questions

Speaks understandably

Cooperative, but does not necessarily want to be your friend

Typically Untruthful

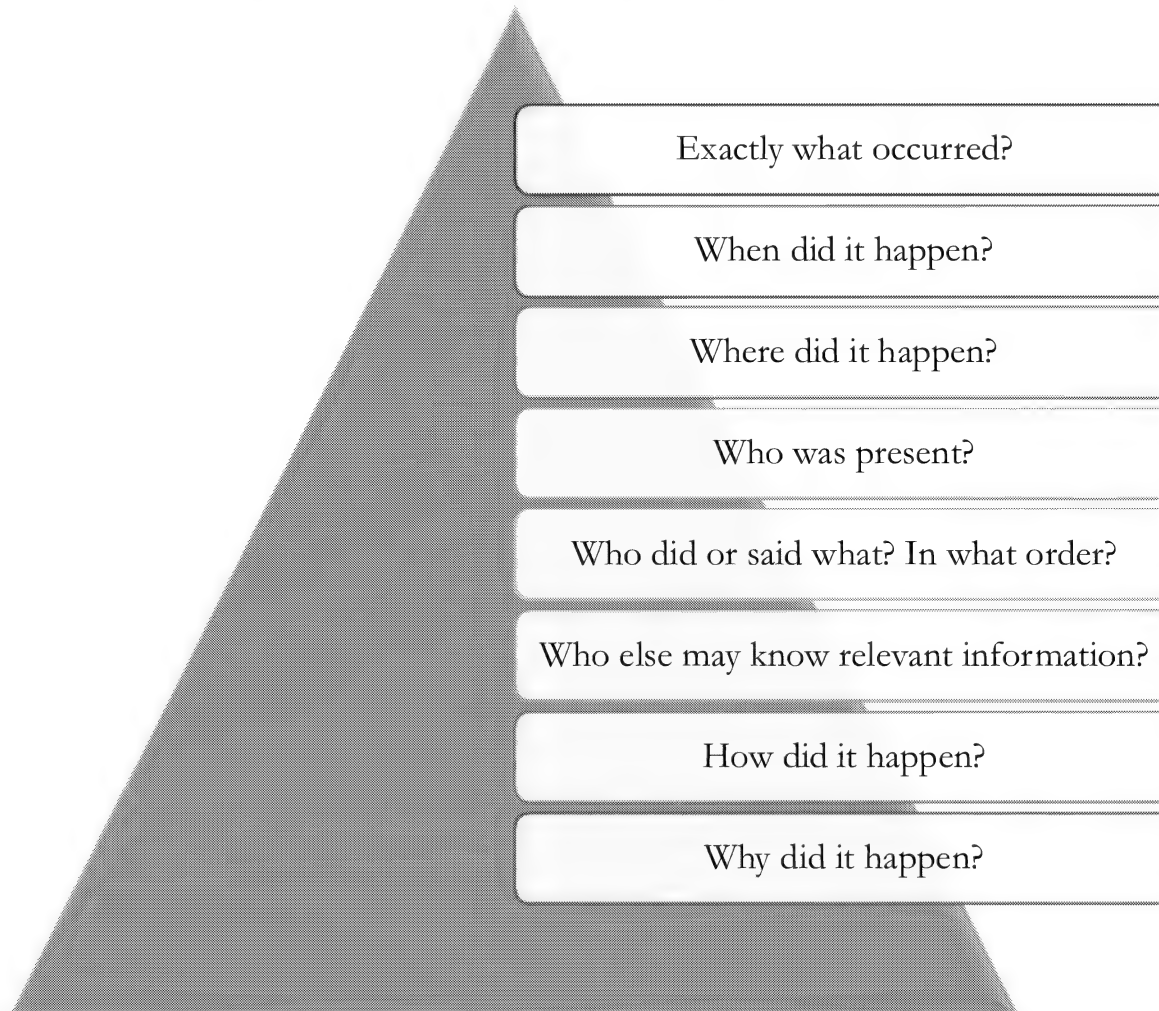
Vague, stammering responses, mumbling

Long pauses in speaking

Answers that are too quick, short, long or elaborate



Open Ended Questions





Simple Questions

Exact
locations



Exact
dates



Precise
times

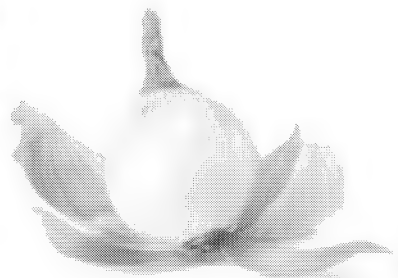


“Who”





Follow-up Questions



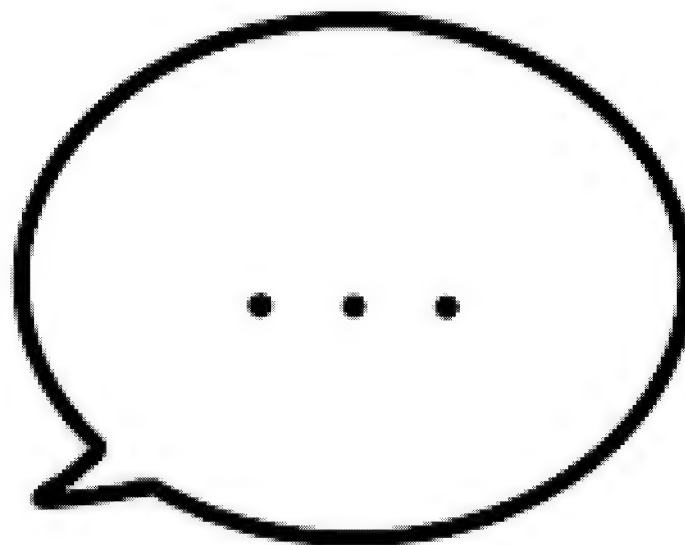
OPPORTUNITY TO CLOSE LOOSE ENDS

OPPORTUNITÉ À CLÔSER LES EXTRÊMITÉS





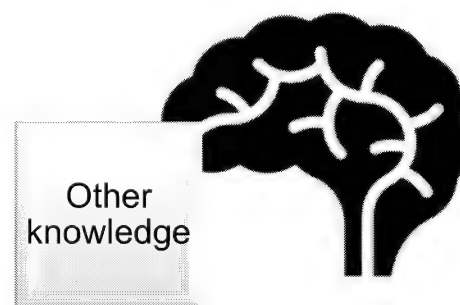
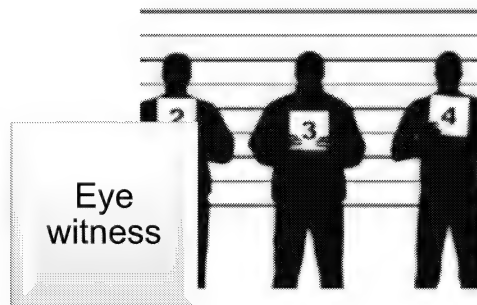
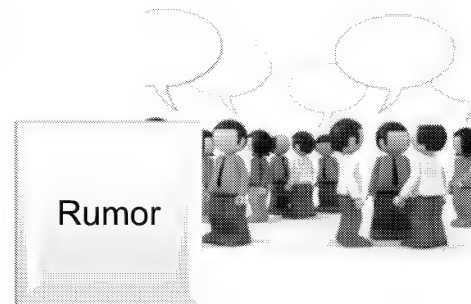
Timing





Source

Identify the source of the individual's knowledge:





Evidence-based Questions



PC / Laptop



Phone



Undesirable Response

Don't
be
afraid to
say:

"Can you repeat what you just said"

"I don't understand"

"I am trying to understand what you are telling me"

"So if I understand correctly,.....is that correct?"



Undesirable Response

- Address the employees behavior to draw out observed emotions or physical condition.
- Address the employees apparent uncertainty.
- Bring factual inconsistencies to the employees attention.



Ending the Interview

Final chance for questions...

- **YES** or **NO** questions can be useful to pinpoint a specific position or fact.
- Any witnesses or others who can corroborate/comment on the incident?
- Anything else to disclose?



Questions?

For additional information, please contact the Security and Professional Standards Directorate:

sec-pol@cbsa-asfc.gc.ca



Initial Fact Finding Job Aid

When does an initial fact finding occur?

An initial fact finding may occur when an allegation of misconduct has been levied against an employee. Receipt of an allegation of misconduct starts the Administrative Investigation. Initial fact finding is one of the steps in this process.

STEPS

Administrative Investigations

- 1 Receipt of a complaint or allegation
- 2 Consult with Professional Standards
- 3 Analyse/Review the complaint
- 4 Conduct initial fact finding (*when instructed*)
- 5 Discuss the results with Professional Standards
- 6 Determination if incident should be closed or moved to formal investigation
- 7 Re-Assess/Reconnect with Professional Standards if circumstances change

Fact Finding is critical in determining if an allegation of misconduct has any merit and whether a formal investigation is warranted. However, it is **NOT** a formal investigation at this point.

DEFINITION

Initial Fact Finding is a collection of information relevant to an allegation of misconduct.

Misconduct is any conduct by a Canada Border Services Agency (CBSA) employee, either **ON** or **OFF** duty, that:

- breaches any criminal law, Treasury Board Secretariat (TBS) policy or procedure, including the Values and Ethics Code for the Public Sector, or CBSA policy or procedure, including the CBSA Code of Conduct, or
- adversely affects the professional reputation or image of the CBSA in any manner.

Do you know your responsibilities ?

- All Employees **SHALL** report misconduct to their Manager.
- Directors **SHALL** report misconduct to the Personnel Security and Professional Standards Division (PSPSD)
- Managers **ONLY** conduct Initial Fact Findings after being directed to by PSPSD
 PSPSD will record all incidents and provide advice to Managers on how to proceed.

Conducting the Initial Fact Finding

Tips

Preparing

- A Fact Finding can be in the form of an e-mail, a request for a report, or a face-to-face discussion
- The manager responsible for the employee must conduct the Initial Fact Finding upon the advice/direction of Professional Standards
- The manager must collect any supporting information i.e reports
- The process must be simple, fair, without bias and be completed within 10 business days.
- Before having a discussion with the employee, predetermine core Fact Finding questions in collaboration with PSPSD
- Ensure that you are familiar with the support mechanisms that are available to the employee (EAP etc...)

Having the Discussion

- Know your questions in advance
- It is recommended that employees do not take notes during a Fact Finding discussion
- Employees must initial the manager's notes after the discussion. These notes are subject to Access to Information and Privacy (ATIP)
- Advise the individual of the purpose of the discussion, obtain confirmation that the employee understands the need for full and honest answers and information is only to be shared with those who need to know.
- Simply identify the facts using these questions in chronological order:
 1. Exactly what occurred?
 2. When did it happen?
 3. Where did it happen?
 4. Who was present?
 5. Who did or said what? In what order?
 6. Who else may know relevant information?
 7. How did it happen?
 8. Why did it happen?
- Confirm that you have received all the supporting documentation and if you can contact the employee for follow up

Documentation

- ✓ Always take detailed notes including the names, dates, time and place of the discussion.
- ✓ Always date and sign all notes
- ✓ Ensure that you complete ALL sections of the **Initial Fact Finding Template**

For further direction on this process, please contact the **Personnel Security & Professional Standards Division**

References



The CBSA Professional Standards Investigation Wiki

On ATLAS

- Policy on Internal Investigations into Alleged or Suspected Employee Misconduct
- Professional Standards Investigations – Appendix A Manager's Guide to Conducting Internal Investigations

Sheet #5

The connection between attitude and non-verbal communication:

Instructions for Participant A:

Adopt a tense or angry position with your face and body, and hold it for at least 20 seconds. Then, immediately say “good morning” to participant B with a positive, welcoming tone.

Let participant B write down what they noticed, then move on to second part of the activity, where you will let participant B settle into a body position and say something to you.

After participant B says something to you, absorb what was said, then write down what you noticed (especially in terms of body language and tone, and what had the greatest impact – the words, or how something was said?)

Take a couple of minutes to share what you noticed with your partner, and be ready to bring your observations to the larger group.

Sheet #5

The connection between attitude and non-verbal communication:

Instructions for Participant B:

Wait a minute or so to let Participant A get prepared. When participant A says something to you, just absorb what was said, then write down what you noticed (especially in terms of body language and tone, and what had the greatest impact – the words, or how something was said?).

Then it is your turn. Adopt a tense or angry position with your face and body, and hold it for at least 20 seconds. Then, immediately say “Please come to my office in 5 minutes” to participant A with a positive, welcoming tone.

Let participant A write down what they noticed.

Take a couple of minutes to share what you noticed with your partner, and be ready to bring your observations to the larger group.

Sheet #6

Active Listening Activity

Divide into groups of 3 or 4 and each person chooses one of the roles below:

- 1) speaker,
- 2) listener focusing on facts,
- 3) listener focusing on emotions,
- 4) observer of non-verbal language and dynamics.

Listeners/observers do not speak while the speaker is talking.

Speaker talks about something that they are passionate about for 1 to 2 minutes while others are in their assigned roles.

Upon completion, each listener summarizes the facts and or emotions that they heard back to the speaker, and observer summarizes what they noticed on a non-verbal level.

Active Listening Activity

Divide into groups of 3 or 4 and each person chooses one of the roles below:

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Sheet #7

OPENING THE FEEDBACK CONVERSATION

*For each of the following scenarios, prepare two statements. First, prepare an opening statement (how you would open the conversation and identify what it is you want to discuss). Secondly, write one statement that describes the specific behaviour you want the other person to be aware of. **You do not need to describe the entire conversation** – just prepare two short bullets for each scenario.*

You work in the cubicle next to Jasmine. Jasmine smells like her name, only stronger – she wears a lot of perfume every day. The scent really bothers you and is starting to give you headaches.

* _____

* _____

You are the leader of a team. Several of your team have been complaining that Fabrice is always late for work (he starts earlier than your normal work hours). This morning you made a point of coming in early to see when he arrived at work, and sure enough, he arrived at 8:20 am instead of his expected starting time of 8:00 am.

* _____

* _____

Your boss just sent an e-mail with a fairly wide distribution and you are a cc addressee. While reading it, you notice several spelling errors that you feel will reflect poorly on your boss and your section.

* _____

* _____

Sheet #8

Josephine and/et Adelaide

Feedback scenario:

Josephine = supervisor

Adelaide = employee

“Adelaide, drop what you’re doing right now and listen to me. I’m fed up with this. This draft response to the Ministerial inquiry was due two days ago, and you only gave it to me yesterday. Mind you, I don’t know why you even bothered to give it to me, because it is absolutely horrible. An elementary school student could do a better job! Look at all of these spelling and formatting errors! Spell check and dictionaries exist for a reason, you know, and the format for ministerial responses is clearly laid out. I shouldn’t have to do your work for you, and I shouldn’t have to rush just because you can’t get your work done on time. If you can’t be a professional, go find yourself another job...”

“Adelaide, arrête ce que tu fais à cet instant et écoute-moi. J’en ai ras le bol. Cette ébauche pour la réplique ministérielle devait être soumise il y a deux jours, et je viens de la recevoir hier. Par contre, je ne sais pas pourquoi tu me l’as soumise, car c’est terrible. Un élève à l’école élémentaire pourrait mieux faire! Regarde toutes ces erreurs d’orthographe et de format! Les dictionnaires et la fonction « spell check » existent pour une raison, et le format pour ce style de document est clairement établi. Je ne devrais pas avoir besoin de faire ton travail pour toi, et je ne devrais pas avoir à tout traiter d’urgence parce que tu n’es pas capable de terminer ton travail à temps. Si tu ne peux pas être professionnelle, va te trouver un autre emploi...”

Sheet #9

Model for Giving Feedback

CBSA ASFC

Feedback, when given and received well, can build trust, enhance relationships and increase productivity. This tool will assist you in planning for communication that involves feedback.



A. Attitude

- Be timely — respond, do not react.
- Put the person at ease
- Be interested and curious
- Be genuine, acknowledging emotions that arise
- Be specific on what the person said or did
- Intentions are generally positive; avoid making assumptions

B. Communication

- Use "I" statements
- Explain that your intention is to help
- Tell the person what they did well
- Focus on behaviour and performance, not personalities
- Listen and adjust as necessary

C. Logistics

- Make an appointment and choose a private, suitable place
- Allow enough time and inform the person of the purpose of the meeting
- Schedule for follow-up discussions
- Bring any relevant documentation

D. Trust the process

Sheet #9

Model for Receiving Feedback

CBSA ASFC

Feedback, when given and received well, can build trust, enhance relationships and increase productivity. This tool will assist you in planning for communication that involves feedback.



A. Attitude

- Be open to feedback
- Be interested and curious and avoid making assumptions
- Think of feedback as a unique learning opportunity
- Be receptive to the message instead of on the defensive

B. Communication

- Listen with full attention
- Use body language such as eye contact
- Resist the temptation to interrupt
- If required, ask for some time to think and collect your thoughts
- Be clear about your intentions

C. Logistics

- Request that the conversation happen in a private and suitable place
- Request follow-up discussions, if needed
- Bring any relevant documentation

D. Trust the process

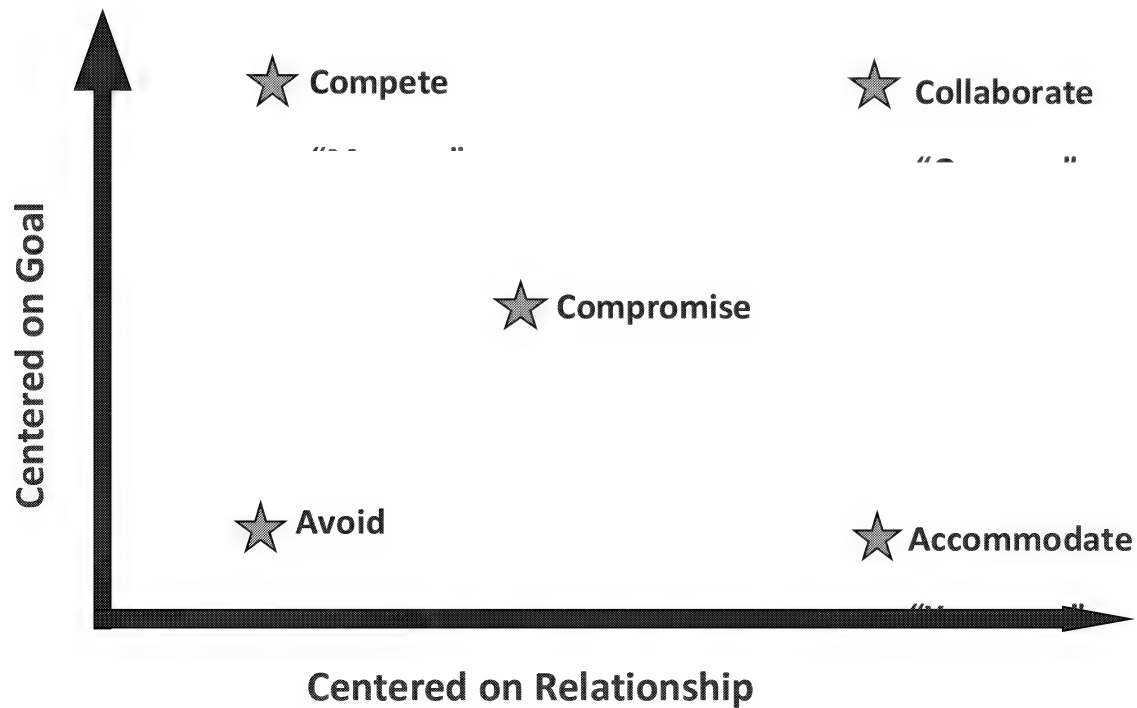
Sheet #10

CONFLICT MANAGEMENT STYLES

YOUR SCORES

STYLE	YOUR SCORE
COMPETITIVE	
COLLABORATING	
COMPROMISING	
AVOIDING	
ACCOMMODATING	

Sheet #12-a



Sheet #12-a

5 Types of behaviour

1. Compete

Competing is goal oriented – a power oriented mode. When competing, an individual pursues his or her own concerns at the other person's expense, using whatever power seems appropriate to win his or her position – the ability to argue, rank, economic sanctions, and so on. Competing might mean standing up for your rights, defending a position you believe is correct, or simply trying to win.

If you are this style, you may wish to ask yourself...

- Are you surrounded by “yes” people? (If so, perhaps it's because they have learned that it's unwise to disagree with you or have given up trying to influence you. This closes you off from information)
- Are employees afraid to admit ignorance and uncertainties to you? (In competitive climates, one must fight for influence and respect, acting more certain and confident than one feels. This means that people are less able to ask for information or opinion – they are less likely to learn).

2. Accommodate

Accommodating is relationship oriented – the opposite of competing. When accommodating, an individual neglects his or her own concerns to satisfy the concerns of the other person; there is an element of self-sacrifice in this mode. Accommodating might take the form of selfless generosity or charity, obeying another person's order when you would prefer not to, or yielding to another's point of view.

If you are this style, you may wish to ask yourself...

- Do you feel like your ideas and concerns do not get the attention they deserve? (Deferring too much to the concerns of others can deprive you of influence, respect, and recognition. It can also deprive the organization of your potential contributions.
- Is discipline lax? (Although discipline for its own sake may be of little value, there

Sheet #12-a

are often rules, procedures, and assignments whose implementation is crucial for you or the organization.

3. Avoid

Avoiding is neither goal nor relationship oriented. When avoiding, an individual does not immediately pursue his or her own concerns or those of the other person. He or she does not address the conflict. Avoiding might also take the form of diplomatically side-stepping an issue, postponing an issue until a better time or simply withdrawing from a threatening situation.

If you are this style, you may wish to ask yourself...

- Does your coordination suffer because people sometimes have trouble getting your input on issues?
- Does it sometimes appear that people are “walking on eggshells?”(Sometimes a dysfunctional amount of energy can be devoted to caution and avoiding issues, indicating that issues need to be faced and resolved).
- Are decisions on important issues sometimes made default?

4. Compromise

Compromising is half way between goal and relationship oriented. When compromising, the objective is to find an expedient, mutually acceptable solution that partially satisfies both parties. Compromising falls on a middle ground between competing and accommodating, giving up more than competing but less than accommodating. Likewise, it addresses an issue more directly than avoiding it but doesn't explore it in as much depth as collaborating. Compromising might mean splitting the difference, exchanging concessions, or seeking a quick middle-ground position.

If you are this style, you may wish to ask yourself...

- Do you concentrate so heavily on the practicalities and tactics of compromise that you sometimes lose sight of larger issues – for example, principles, values, long-term objectives, or company welfare?
- Does an emphasis on bargaining and trading create a cynical climate of gamesmanship (Such a climate may undermine interpersonal trust and deflect

Sheet #12-a

attention away from the merits of the issues discussed).

5. Collaborate

Collaborating is both goal and relationship oriented – the opposite of avoiding. When collaborating, an individual attempts to work with the other person to find a solution that fully satisfies the concerns of both. It involves digging into an issue to identify the underlying concerns of the two individuals and to find an alternative that meets both sets of concerns. Collaborating between two people might take the form of exploring a disagreement to learn from each other's insights, resolving some condition that would otherwise have them competing for resources, or confronting and trying to find a solution to an interpersonal problem

If you are this style, you may wish to ask yourself...

- Do you sometimes spend time discussing issues in depth that do not seem to deserve it? (Collaboration takes time and energy – perhaps the scarcest organizational resources. Trivial problems don't require optimal solutions, and not all personal differences need to be hashed out. The overuse of collaboration and consensual decision making sometimes represents a desire to minimize risk – by diffusing responsibility for a decision or by postponing action.
- Does your collaborative behavior fail to elicit collaborative responses from others? (The exploratory and tentative nature of some collaborative behavior may make it easy for others to disregard collaborative overtures; or the trust and openness may be taken advantage of. You may be missing some cues that would indicate the presence of defensiveness, strong feelings, impatience, competitiveness, or conflict interests.

Sheet #12-b

Strategies for dealing with different conflict management styles

Everyone has a natural conflict management style preference. Each conflict management style is very effective in different situations, depending on the style being used by the other party.

The tool below, although not exhaustive, provides some quick ideas to increase the chances of a positive outcome in a conflict scenario. To get the most effective results in your interactions, you need to **DETECT** the style, by looking at the left column, and **CONNECT** with this style by shifting your behavior to match that noted in the right column.

DETECT	CONNECT
<p><u>Compete</u></p> <ul style="list-style-type: none"> ➤ Goal oriented ➤ Quick decision maker ➤ Power oriented, win attitude ➤ Enjoys argument or debate ➤ Passionate and committed, willing to take a stand in what they believe in. 	<ul style="list-style-type: none"> ➤ Do not take a competing style ➤ Accommodate or avoid styles easily accepted yet will not create win-win ➤ Compromise or collaborate style is best ➤ Offer objective reality check if reluctant to shift toward collaboration
<p><u>Accommodate</u></p> <ul style="list-style-type: none"> ➤ Relationship oriented ➤ Neglects own concerns ➤ Wants to satisfy others ➤ Can be seen as selfless, generous, or obedient ➤ Interest is to keep peace 	<ul style="list-style-type: none"> ➤ Acknowledge their effort to satisfy others ➤ Explore their needs ➤ Make sure they feel heard ➤ If you do not address their needs or underlying conflict, resentment may fester. ➤ Negotiate in safe/comfortable settings (i.e. mediation, facilitated discussion) ➤ Do not rush negotiation
<p><u>Avoid</u></p> <ul style="list-style-type: none"> ➤ Neither goal nor relationship oriented ➤ Slow to action for their 	<ul style="list-style-type: none"> ➤ Make sure they know you will actively listen ➤ Meet in a safe / comfortable

Leading at the Frontline
ICMS (Difficult Conversations / Effective Feedback)

January 2018

Sheet #12-b

<p>interests or others</p> <ul style="list-style-type: none"> ➤ Do not address conflict ➤ "Better left alone" attitude ➤ "Don't stir up the pot" type ➤ Can be seen as diplomatic, side stepping, or postponing. ➤ May simply withdraw ➤ May postpone dealing with conflict, looking for a better time ➤ Does not address the needs or goals of either party 	<p>environment</p> <ul style="list-style-type: none"> ➤ Schedule another time if necessary and follow up ➤ Keep issues on table, do not rush settlement ➤ Separate issues into workable pieces ➤ Once interests of both parties are identified, make note and keep track. ➤ Be sure not to be seen as potential or working toward just your own interests
<p><u>Collaborate</u></p> <ul style="list-style-type: none"> ➤ Goal and relationship oriented ➤ Attempts to find win-win solutions ➤ Peels back issues to identify underlying concerns ➤ Looks for other's insights ➤ Shares their own insights ➤ Not afraid to put issues on the table ➤ Works to resolve or find creative solutions to interpersonal problems 	<ul style="list-style-type: none"> ➤ Need to ensure all concerned parties have been consulted ➤ Issue and interest identification important ➤ Actively listen ➤ Be prepared to share your insights ➤ Deal with all issues on table, bring up others ➤ Use brain storming ➤ Likes consensus, if possible ➤ Be prepared to spend time coming to final agreement
<p><u>Compromise</u></p> <ul style="list-style-type: none"> ➤ Half way between goal and relationship oriented ➤ Looks for quickest solution ➤ Willing to settle on a solution that partially satisfies both parties ➤ Give up more than a compete style but less than accommodate style ➤ Addresses issues but not too much depth ➤ Splitting differences, exchanging concessions or seeking a quick middle-ground position. 	<ul style="list-style-type: none"> ➤ Do your homework and know what you are willing to give up ➤ Be prepared to settle quickly, but do not rush if opportunity exists. ➤ May have to bring forward some issues for another day ➤ Understand what value you put on your exclusive interests (for trading purposes).

CONFLICT MANAGEMENT STYLES

Strategies for dealing with your preferred style

These are tips to use when using your preferred conflict handling style. These tips can assist you when the objective is to have a collaborative discussion, regardless of which role you may play – either as leader or as a party to a conflict. If one of the following is your preferred style, you may want to consider this...

1. Compete:

- The meeting should take place in a neutral place if possible.
- Avoid resorting to power when asserting your perspective.
- Look for mutually satisfactory solutions.
- Listen attentively for the other person's needs.

2. Avoid:

- Your first challenge may be to schedule/attend the meeting.
- Identify the benefits of such a meeting both for you and for the member/employee.
- Openly communicate your issues and your needs.
- Consider the meeting as a learning opportunity.

3. Accommodate:

- An effective and wise conflict resolution conversation requires honesty and assertiveness.
- Carefully consider your own needs and those of the member/employee, as well as those of the organization before yielding to the other's point of view.
- Identify what is really important for you and consider reasonable risks.
- Allow yourself time before making a decision.

4. Compromise:

- View the meeting as an opportunity to meet a greater number of needs than usual.
- Stay open to a range of options.
- Remember that compromise sometimes is neither possible nor desirable.

5. Collaborate:

Sheet #12-c

- Interest-based communication techniques are effective.
- Collaboration does not mean that you need to back away from matters that are important to you.
- A productive dialogue consists of two-way communication.

CONFLICT MANAGEMENT STYLES

When each Conflict Style may be used and overused

1. Compete

- Quick decisive action is vital – e.g. emergencies
- Important issues where unpopular courses of action need implementing – e.g. cost cutting
- Vital issues where you know you're right
- Protect yourself against people who take advantage of noncompetitive behavior

Problems with overuse:

- Can lead to lack of feedback/input, as people may feel that offering feedback is useless or feel uncomfortable with your style.
- Reduced learning, as people may be afraid to admit they don't know something and therefore lose the opportunity to develop.
- People may feel less empowered because they feel that they can't take risks without your approval.

2. Accommodate

- When you realize that you are wrong
- When the issue is much more important to the other person
- To build a relationship for later issues which are important to you
- When continued competition would only damage your cause
- When persevering harmony is especially important
- To aid the development of participants by allowing them to experiment and learn from their own mistakes

Problems with overuse:

- Your ideas get little attention as others may lose sight of your needs and opinions.
- Can lead to reduced credibility as you are not seen as someone who stands up for yourself.
- Loss of contribution as your ideas are not expressed.
- Anarchy, as people may feel that they can do what they want.

Sheet #12-d

3. Avoid

- When an issue is not important to you
- When you perceive no chance of satisfying your concerns
- When the potential damage of confronting a conflict outweighs the benefits of its resolution
- To let people cool down
- When gathering more information outweighs the advantages of an immediate decision
- When others can resolve the conflict more effectively
- When the issues seem symptomatic of another more basic issue

Problems with overuse:

- Lack of your input deprives the organization of your contributions, which can cause unnecessary stress and job dissatisfaction.
- Decisions made are not always in the best interest of the organization.
- Issues may become more complicated than necessary.

4. Compromise

- When goals are moderately important, but not worth the disruption of more assertive modes
- When two opponents with equal power are strongly committed to mutually exclusive goals e.g. collective bargaining
- To achieve temporary settlements to complex issues
- To arrive at expedient solutions under time pressure
- As a backup mode when collaborating or competition fails to be successful

Problems with overuse:

- May sacrifice long-term goals for quick-fix solution.
- You are viewed as someone who can't stick to any values and principles; lack of trust.
- May create an "anything for a price" viewpoint in the workplace; cynical climate.

Sheet #12-d

5. Collaborate

- When both sets of concerns are too important to be compromised
- When your objective is to learn e.g. testing your own assumptions
- To merge insights from people with different perspectives
- To gain commitment by incorporating other's concerns
- To work through hard feelings interfering with interpersonal relationships

Problems with overuse:

- Too much time spent on trivial matters.
- May be a way for people to avoid being accountable and taking responsibility.
- Others may take advantage of your collaborative efforts to meet their own needs.
- May be difficult to say "no" to others.

PERSONAL COMMUNICATION STYLE AND CONFLICT MANAGEMENT

Individuals whose communication style is **analytical** have a tendency to avoid conflict. This attitude means they prefer, as much as possible, to remain outside of or withdraw from conflict situations, in order to avoid any form of confrontation. Sometimes, an individual's withdrawal prevents the conflict from escalating or forces the parties involved to resolve the situation themselves. In conflict situations where the individuals cannot avoid becoming involved, even if only indirectly, their attempts to intervene take place on a purely rational level: their sole purpose is to try to bring both parties to listen to reason. When conflict is inevitable, these individuals are capable of demonstrating remarkable patience, even if they have to suppress their reactions and personal feelings in the process.

Individuals whose style is **directive** perceive conflict as a battle of adversaries where there is a winner and a loser. Their attitude towards conflict means that they will do anything in their power to win the battle. Alternatively, these individuals may quickly propose a compromise when it becomes obvious that their chances of winning are slim. When these individuals intervene in conflicts between two people, their involvement is on an authoritative level, and they become arbitrators in the conflict. Analysis of the situation allows them to determine who is right and who is wrong or to demand that the parties in conflict reach a compromise. These individuals are relatively comfortable in instrumental conflicts where a specific outcome is being sought (i.e. clarification of roles, restatement of goals, etc.).

Individuals whose style is **amiable** value harmony, and will invest a lot of energy in resolving interpersonal conflicts. Their attitude towards conflict brings them to analyse their own reactions and to try to understand the reactions of others. In conflict situations, these individuals have a natural tendency to be active listeners and don't hesitate to make concessions. When these individuals intervene in conflicts between two or more people, they allow both parties to express their differences, emphasising understanding and seeking to find a solution that is suitable to all parties.

Individuals whose style is **expressive**, because of their versatility, present different reactions to conflict. In the case of interpersonal conflicts, their reaction, which varies according to their mood, can range from winning at all costs, surrendering or trying to negotiate a win-win solution. The same is true of conflicts in which they are only indirectly involved. Once these individuals decide to become involved in resolving a conflict between two or more people, they try to promote integration of the different views, and their creativity allows them to come up with original solutions. In all cases, the individual whose style is expressive relies strongly on verbal skills and the power of persuasion to resolve conflicts.

Sheet #14

Diffusing Defensiveness

The following table shows behavioral characteristics of supportive and defensive climates.

Likely to create DEFENSIVE climates	Likely to create SUPPORTIVE climates
1. Evaluation You judge the situation rather than describe it. "This is wrong, you did..."	1. Description You describe what is going on (the facts) rather than evaluate. "I have noticed that..."
2. Neutrality You do not get involved. You tend to take the attitude of "whatever" rather than involve yourself emotionally and physically.	2. Empathy You get involved in the situation. You try to understand the other person's feelings, see the other person's vision.
3. Focus on the Past You focus mainly on describing, interpreting and assessing what happened, what didn't work, and why. (This can feel to the other person that you are assigning blame.)	3. Frame conversation in future You talk about "how something might be done in the future" which is more likely to be received constructively as a collaborative, coaching conversation. The future is where you want the behavior to change.
4. Dictate the Solution You have the answer and they need to accept it. "It's my way or the highway!"	4. Brainstorm Possibilities... You are open to different options and encourage the other to actively participate in finding a solution: "How could we do this differently next time?" "What are the possibilities for ...?" "What do you think would work better in future?"
5. Refute excuses You debate the legitimacy of their reasons.	5. Handle excuses by moving on... You don't agree with the excuse as this may let them off the hook. You don't disagree as this might provoke defensiveness. So instead, you: 1) listen attentively, allow them to make their point, and reflect your understanding (without agreeing or disagreeing); 2) then shift the conversation to what they (and you) might do in the future to handle the situation differently. "I see that you had a lot on your plate while working on this. What can we do next time to ensure you are able to dedicate the time necessary to complete this task?"
6. Focus on the negative You highlight all the things that they did wrong. You concentrate solely on what needs to be	6. Acknowledgement You acknowledge the person's strengths and contributions. Criticism is hard to accept if our

Sheet #14

improved.	contributions/strengths are not also recognized. The more confident we are about our strengths, the more our performance is likely to improve.
7. Blaming You see them as the problem and you let them know that.	7. Share responsibility appropriately You acknowledge your own contribution to the problem. "I may not have been clear about..." This will encourage the person to take responsibility for their contribution.
8. Isolating You emphasize how others seem able to perform better. Why is it so hard for this person?	8. Normalizing You share relevant examples of mistakes you have made to normalize that none of us are perfect and getting feedback is how we learn. This also builds trust and models the behaviour of accepting responsibility that you want to encourage.

Scenario Green/Smith – Person A

Role Play – Scenario – Person A

Scenario:

You are Superintendent Green. You have noticed that for the 2nd day in a row BSO Smith is not properly tooled up. BSO Smith is not wearing the issued radio. You had noticed yesterday, half way through the shift that BSO Smith was not wearing the radio and had asked him to put it on in passing. When you did that, you thought you heard him mutter under his breath that they don't work anyway. But you were in a hurry to get to a meeting and didn't have time to talk to him about it.

You intended to talk with him today about it, but then you noticed that again, 1 hour into his shift, he was not wearing his radio. You feel your heart quicken and your chest is tight. You are getting upset. BSO Smith is known for doing things like this. He will take issue with something and then outwardly complain about it and protest by refusing to follow direction in matters related to his complaint. You sense that this will be a volatile confrontation.

Impact:

First and foremost you are concerned about safety. As unreliable as the radios can be sometimes, if there is ever a need for assistance by other officers or himself, the radio could be a lifesaving tool. Secondly, BSO Smith's open defiance to management direction is concerning. You find yourself wondering if you were to give BSO Smith direction if he would listen and comply or argue with you about it. You feel uncertain how to talk to him because you don't know how he will react. You are especially concerned about speaking to him in front of public, as you are worried he may be argumentative and cause a scene.

Needs, Expectations etc.:

You need BSO Smith to be a team player. Even if he disagrees with the direction or is unhappy with the equipment, you need him to comply with management's direction until other solutions are implemented. You expect BSO Smith to wear his radio on shift. You also need BSO Smith to understand that his behaviour is unacceptable. Another situation like this and you may need to follow through with a disciplinary action.

Solutions:

You are willing to write a briefing note to your superiors about the condition of the radios and advocate for a replacement, but you don't have a lot of time to write one or know a lot about other radio options. BSO Smith needs to wear his radio. You are considering a note to file.

Scenario Green/Smith – Person A

Step 1 – Set the tone & introduce the conversation

Step 2 - Inquire & Acknowledge

Step 3 – Share

Step 4 – Clarify

Step 5 – Problem Solve

Step 6 – Agreement

Scenario Green/Smith – Person B

Role Play – Scenario – Person B

Scenario:

You are BSO Smith. Lately you've noticed that Supt Green is giving you a lot of unnecessary attention. She always seems to be pointing out something you're doing wrong, even when you're doing what you're supposed to be doing! You're pretty sure she's just on a power trip. Ever since she became a Sup 3 months ago you've noticed that she's treated you differently. You and her have never been best of buds or anything, but at least when she was just a BSO like you, you could talk with her. Now it seems like the only interactions you have with her is when she's barking orders at you. "Get your radio on!" was the latest order yesterday. You had just taken your radio off because you were headed out on a break and the latest direction was that you're not supposed to have your tools and radio on when you go out to the food court. But even if you were out of dress and needed to get your radio on, she shouldn't speak to you that way. Talk about un-professional! The stupid radios rarely work anyway. Talk about a safety issue! If anything ever happens, good luck contacting anyone in the office from the floor. You've mentioned the radio issue to every Sup multiple times and still nothing's changed. You've even done the research! You took the time to find out how much CBSA is paying for the current radio contract and have found a couple of similarly priced options of radios with far superior capability that other enforcement agencies use. At least one option is already used by another Federal Department, so it should be fairly simple to procure the contract. You sent the info to one of the other Sups but they haven't even responded. They obviously don't care. You've made the off-handed comment a couple of times to other BSO's that you all should just not wear the radios because they're useless anyway. Maybe if everyone took a stand then maybe management would do something about getting equipment that worked. However, it's just talk. You know you could get in trouble if you did something like that.

Impact:

You are really annoyed with Supt Green. The constant attention you've been getting from her makes you think she's trying to make an example out of you and you're almost wondering if it constitutes harassment. She doesn't really interact with you except to tell you what to do or criticize you. You feel targeted. Even after you leave work, you find yourself thinking about Supt Green and your interactions with her. You dread the shifts where she's the Sup in charge. The fact that no one seems to be taking your concerns about the radios seriously also frustrates you. You find it hard to want to go the extra mile and do a good job when your employer doesn't seem to care if you have effective equipment or not. Lately you find yourself looking at the jobs website more and more frequently and wonder if now might not be the best time to jump ship and find something else while you're still young.

Needs, Expectations etc.:

Your needs are simple, you want to feel like your Supt is looking out for you, not just the organization. Secondly, you expect that managers should acknowledge good work and the work that needs improvement; not just talk to their BSOs when they've done something wrong. It would be nice if Supt Green would acknowledge she was out of line in the way she spoke to you yesterday.

Solutions:

Scenario Green/Smith – Person B

Apology/Acknowledgement from Supt Green. You have no issue wearing your radio.

Step 1 – Set the tone & introduce the conversation

Step 2 - Inquire & Acknowledge

Step 3 – Share

Step 4 – Clarify

Step 5 – Problem Solve

Step 6 – Agreement

Scenario Red/Blue – Person A

Role Play – Scenario – Person A

Scenario:

You are Supt Red. You've noticed that the past two days, BSO Blue has been late coming onto shift. Both days he crept into the shift briefing room halfway through the shift brief obviously hoping no one noticed him. You need to talk with him about punctuality and decide to ask him to meet with you.

Impact:

It looks bad to your chief and the other BSOs when one person continually shows up late and nothing happens. You've already noticed other BSOs making jokes about giving BSO Blue timings that are 10 min early for meetings so that he'll actually be on time for them. Showing up late also impacts the earlier shift. If BSO Blue shows up late, another BSO from the earlier shift has to stay late and cover until he shows.

Needs, Expectations etc.:

You need BSO Blue to be on his shift on time. And on time means arriving at least 15 min before shift start so he can tool up and be ready to start at 0800. You also expect BSO Blue to communicate as soon as possible if something has come up and he is going to be late. If you know he's going to be late, you at least have some forewarning you can work with. Lastly, the Code of Conduct clearly states the criteria for showing up for shift on time and the steps to take if you're going to be late or if you fail to show on time. BSO Blue may need to be reminded of the possible consequences if this behaviour should continue.

Solutions:

BSO Blue commit to showing up on time. Conduct a disciplinary process. Request an accommodated work schedule if personal factors prevent him from getting in to work on time.

Scenario Red/Blue – Person B

Role Play – Scenario – Person B

Scenario:

You are BSO Blue. You are concerned about work because you have been late the past two days and today after the shift briefing was done, Supt Red approached you and asked you to come see him when you have a break in travellers. The reason you've been struggling lately is because your ex recently moved in with her new boyfriend across town and the kids are now going to a school out that way as well. So on days when you have the kids, you have to drive all the way across town during rush hour and then back to the airport. You can't leave any earlier because the daycare only opens at 7, so by the time you drop off the kids and get to work you are just making it to the office with a few minutes to spare.

Impact:

You are feeling really stressed. You don't really want to talk about your personal problems with your boss but you don't know what you can do to get to work on time. You've never had any issues at work before, but you are worried that the late appearances could result in discipline. You can't afford a suspension as money is already really tight.

Needs, Expectations etc.:

You are hoping your employer can be understanding of your situation and give you some leniency.

Solutions:

You're really not sure. Could some kind of exception be made to allow for you to start later on days when you have the kids?

Scenario White/Brown – Person A

Role Play – Scenario – Person A

Scenario: Leave

You are Supt White. You are about to have a difficult conversation with BSO Brown. He submitted a leave request about two weeks ago for one of the busiest weekends of the year. And since it is Canada's 150th birthday, it is anticipated that the long weekend will have a record high number of travellers this year. While he did have BSO Reed to cover him, it turns out that a month ago BSO Reed had put his name forward for deployment to Emerson should the need arise with the influx of asylum seekers crossing the border irregularly. Just this morning you got notified that BSO Reed was selected and is expected in Emerson by the end of the week; just before July long weekend. Your attitude is that you'd rather go the extra mile for your staff and you prefer to be able to say yes than no for leave requests, but you may be out of luck on this one. You have gone through the entire list of staff trying to find someone else to fill in the leave request, but no one is available. You have even staffed up a request to the Director to see if you can bring in someone from a different Port, but your request was denied. At this point you're left with no other option but to deny BSO Brown's leave for the weekend. You're not sure what the request was for, but it was only submitted 2 weeks ago, so surely BSO Brown would understand if it was denied.

Impact:

If you were to approve BSO Brown's leave the operation would be at risk. Given the expected high traffic volume for the weekend it is likely there won't be enough staff even with the full schedule. Not to mention you have no one available on standby should someone call in sick or have to leave suddenly.

Needs, Expectations etc.:

You need BSO Brown to understand where you're coming from and why you have to make this decision. You also expect that requests for leave, especially on such a busy weekend are submitted earlier so that there is more time to figure something out.

Solutions:

Deny the leave. Depending on what the leave is for there may be other options, but you're still unsure about that.

Scenario White/Brown – Person A

Step 1 – Set the tone & introduce the conversation

Step 2 - Inquire & Acknowledge

Step 3 – Share

Step 4 – Clarify

Step 5 – Problem Solve

Step 6 – Agreement

Scenario White/Brown – Person B

Role Play – Scenario – Person B

Scenario: Leave

You are BSO Brown. You are about to meet with Supt White to discuss your leave request for the July Long weekend. You are hopeful that it will be approved. After all, you did confirm with BSO Reed that he could take your 2 shifts (Saturday & Sunday) that weekend about two weeks ago. You submitted your request a bit late, and the airport is short-staffed, but you think it should be ok. The reason for the request is to attend your son's football tournament. His team made nationals this year and it's a pretty big deal. You've had to miss other big games before so you're determined to be there for this one. Luckily the tournament is in town, so you don't have to go far to make the games.

Impact:

If your leave were to be denied you would be shell struck. You want to show your support for your son and be there for this major event. Your son would be devastated if you weren't there.

Needs, Expectations etc.:

You understand that you work for a 24/7 operation and that sometimes sacrifices have to be made. However, you expect that your employer would show some compassion for a major life event like this and try very hard to make something work out. Maybe even bend some rules or make some exceptions because of the extenuating circumstances.

Solutions:

You would be ok if not all your leave was granted, but you want to be able to at least make one round robin game and definitely the finals games on the Sunday. You would be willing to work extra overtime or extend your shifts if necessary to make this work. If leave is denied you would consider submitting a grievance.

Scenario White/Brown – Person B

Step 1 – Set the tone & introduce the conversation

Step 2 - Inquire & Acknowledge

Step 3 – Share

Step 4 – Clarify

Step 5 – Problem Solve

Step 6 – Agreement

Leading at the Frontline
ICMS (Difficult Conversations / Effective Feedback)

January 2018

Scenario White/Brown – Person B



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Leading at the Frontline – Considerations in Effective Leadership

L1102-N

Version: January 2018

Participant's Guide *with Facilitator Notes*

Training and Development Directorate



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Canada



Leading at the Frontline

The Training and Development Directorate, Canada Border Services Agency, developed based on material acquired from the Supervisor's Essentials course material. The content was revised in January 2018.

Examples and scenarios have been created using fictional names. Any resemblance to persons real, imaginary, or deceased is purely coincidental. There is no intention for examples to depict stereotyping on any basis.

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Facilitator Notes Legend

The following icons and acronyms appear in the facilitator's notes and are intended to assist the facilitator during delivery.









Icon / Acronym	Description	Icon / Acronym	Description
	Emphasize: Additional information is provided and requires attention drawn to it.		Present: Instructions to the instructor for presenting the information.
	Discussion Questions: Questions for the instructor to ask participants.		Reference: Reference materials related to the course content.
	Group Activity: Instructor-led group activity.		Time: Time allocated for a specific section or activity.
	Resource: A resource for participants, located in the References and Resources section.		Written Activity: An individual written learning activity.



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*“Supervising team dynamics”
(including exercise): 30 min.*



*Present slide – Considerations
in Effective Leadership*



Present slide – Team Dynamics



*Say to participants:
“As the leader of a team, it’s important to
have a good understanding of team
dynamics. Let’s start by considering a
couple of elements needed for succesful
teamwork.”*

Unit 1: Team dynamics

Effective team work is an essential ingredient for organizational success. Successful teams contribute to the achievement of organizational objectives and are essential to the way most organizations organize and carry out their work, resulting in superior performance. The composition of teams, how they work together, how they are motivated and the quality of leadership within teams are just some of the elements that contribute to making a successful organization.

It takes great leadership to build great teams. Not surprisingly then, managers play a key role developing their team and bringing them to the point where they are working as effectively as possible toward a common goal.

1.1.1 What is teamwork?

Teamwork is the cooperative effort by the members of a group or team to achieve a common goal.

It is different from teambuilding in that teambuilding is the process of improving team performance by developing teamwork skills using any appropriate method.



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The following are the elements that need to be present for teamwork to be successful:

1. The members of the group must share a common goal or purpose.
2. The team members need to interact together in order to achieve their common goal or purpose.

What other elements must be present for a team to be effective?

1.1.2 The five stages of team development

Most experts in team development agree that teams progress through five different stages. Regardless of whether a team is working on a small, simple initiative or a large, complex national initiative, the team progresses through the five stages; there are no exceptions.

Many factors determine how quickly a team evolves towards effectiveness including: its size, geographical dispersion, frequency and duration of meetings, synergy of team types, stability of team membership, external influences and time pressures and the nature of its activities.

This process will not be a linear one. A team does not always progress from stage one through five sequentially, of their own accord, or quickly. Often the team will go back and forth or hover around some of the stages. Every time you add a new person to the team, the team will more than likely fall back a step or two.



Ask participants to discuss at their tables and be prepared to share in plenary “elements that must be present for a team to be effective.”

Possible answers

- Team members are willing to contribute
- Team members trust each other and their supervisor/manager
- Team members are clear about goals
- Team members' roles are defined
- Team has capacity to suggest new ideas to improve a task or a process



Say to participants:

In our 7X24 operational environment, it is important to recognize that team cohesion is still achievable first by recognizing the five stages of team development described on the next page.

Explain the stages by emphasizing that the process is not linear and development does not necessarily move sequentially from one stage to the next and is affected by the comings and goings of different team members and managers and supervisors.

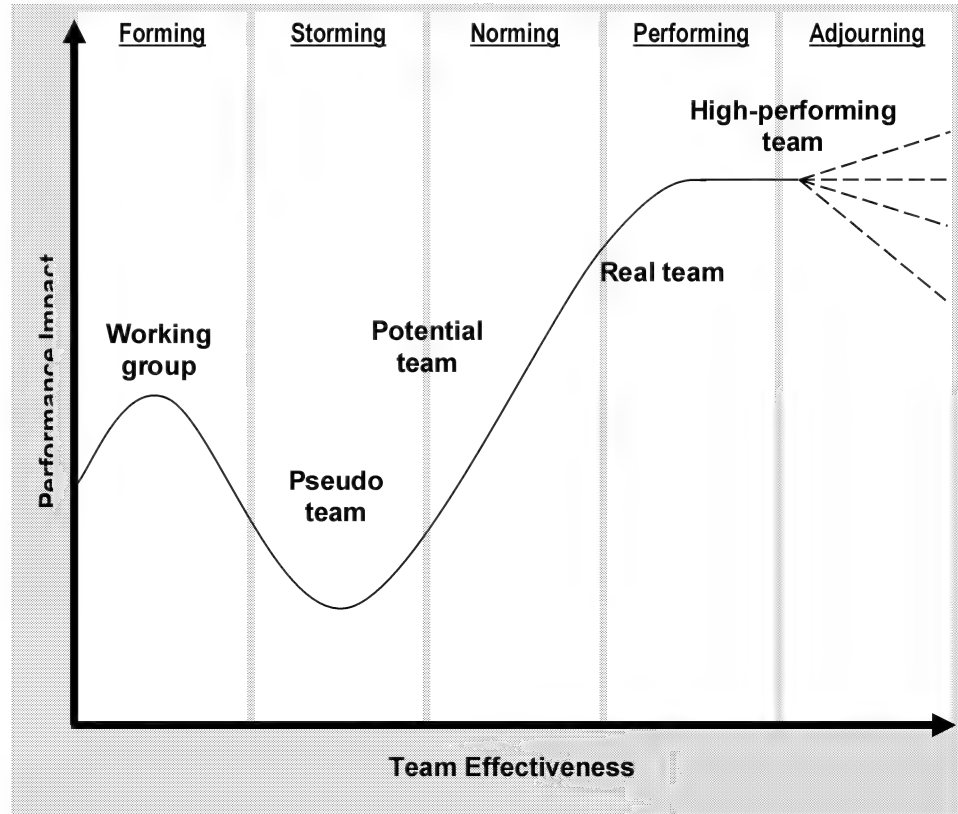
It is important for supervisors and managers to understand the five stages to enable teams to work effectively. Emphasis should be on what the role of the leader is in each of the stages.

Ask for examples.



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What is important for the manager to understand are the five stages and how to manage the team through the stages so that team members can work more effectively as a team sooner rather than later, thereby making progress on the tasks earlier.



Present slide – Stage of Team Development

Forming: Transition from a group of individuals to a team.

Personalities emerge! The leader needs to be prepared to answer a lot of questions about: the purpose, objectives, roles and responsibilities, etc. The leader plays a directive role during that stage.

Storming: The manager needs to demonstrate strong leadership at this level to do conflict resolution and consensus building.

Uncertainty, power struggles and emotions can be part of that stage. The leader plays a coaching role.

Norming: Collaboration, better understanding of the big picture and opinion reconciliation. Common working methods accepted and followed. Roles and responsibilities are clear. Commitment is higher. The leader plays a supporting role.

Performing: Emphasis on goal achievement instead of working methods. The team is able to perform more complex tasks, share the same vision and has a higher degree of autonomy. The leader plays a delegating role.

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Adjourning: Once the goal is reached or when the task is completed. Opportunity for the leader to recognize team members for the success of a project completed.

Exercise 1: Team dynamics

Read the scenarios in the table below. Identify which of the five stages of teamwork corresponds to the scenario. Then, propose some strategies you could use to bring your team to the next stage.



Exercise time: 15 min.

Scenario	Stage of teamwork	Possible strategies
Your team is assigned a multi-faceted project involving almost everyone on the team. Once you've explained and delegated tasks, team members get straight to work.		
You hold a team meeting and find that most of your employees are reluctant to express their opinions. The one exception is an employee who questions each of your suggestions.		
You encounter a conflict between two team members who find it difficult to work together. You think this is because roles and responsibilities are not clearly understood by all team members.		



Ask participants to complete the exercise in groups of 4-5. Debrief using the answers provided in the Answer Key located at the back of the Participant Guide.



Leading at the Frontline - Considerations in Effective Leadership

Scenario	Stage of teamwork	Possible strategies
Your team completes a project efficiently with no significant conflicts. You schedule a team meeting to thank the team for their hard work.		
Your employees are willing to follow established procedures and methods. They collaborate on projects with few conflicts.		



1.1.3 Improving team performance

The role of a manager isn't always smooth sailing. Every manager wants employees to use their talents to the fullest capacity. Effective managers want to ensure their team is engaged in their work, feeling satisfied, and performing at their personal best. But for those team members who seem to be lagging behind, what can a concerned leader do to help improve employee and team performance?

Identify ways in which you have improved teamwork in your workplace.

How do you know if you have a team that is working well?

Whether you're a new or an experienced manager, understanding the stages of team development is essential for any manager trying to build an effective team.



Ask participants to identify ways to improve team work. Debrief using the answers provided below.

Possible responses.

Get to know what teamwork means to your team members. Their vision might help you to understand how you can support them.

Make sure that your team members are aware of what you expect from them, and when

Assess your team's development

Develop an action plan and share it with your team

Monitor team progress

Recognize each little step made towards better teamwork

Sharing of information.

Being consistent.



Present slide – Team Dynamics



Unit 2: The Multi-Generational Workforce



"Mult-Generational Workforce" (including exercise): 30 min.



Present slide – Multi-Generational Workforce



Ask participants to think about a person who belongs to a specific generation. What positive characteristics would you use to describe that person e.g. extremely hardworking and motivated by position, perks, and prestige.

Ask if participants have used stereotypical terms such as referring to BSO Recruits as the "New Kids"? Ask participants the impact that such language has on relationships?



In plenary, discuss the three questions that follow.



Debrief the questions and close by asking "As a manager you may be younger than your team members. Are you comfortable giving direction to someone who was there twenty years before you? What, if any challenges, would this present?"

For the first time, three generations are part of our workforce. When we talk about generational differences, it is easy to fall into overly generalized stereotypes:

- Baby Boomers are responsible.
- Gen Xers are cautious.
- Gen Y / Millennials are ambitious.

No generation is one vast group of people who all behave exactly the same way and members of each generation do have traits that differentiate them – a combination of characteristics largely based on the circumstances in which each cohort came of age.

So why are we so focussed on generations in the first place? It is important to consider what motivates employees because this is the first time in history that three or more distinct generations are in the workplace simultaneously. Employers need to recognize the importance of creating work environments that understand and respect generational diversity by training managers how to manage multiple generations; training everyone on inter-generational communication; and adapting leadership development and succession planning strategies to accommodate the priorities of multiple generations. Learning about people's different identity characteristics can also be a helpful way to better interact with each other.

How might generational differences affect your relationships in the workplace? (Positive or negative)

What can you do to build strong working relationships with people of all these generations?



Leading at the Frontline – Considerations in Effective Leadership

What are the benefits of having a multi-generational workforce?

Exercise 2: Generational differences

In the following exercise, there are multiple generations working together. Each generation has unique characteristics that vary from work ethic to perspective as shown in table 1. Working in small groups, assign the characteristics listed in the right-hand column of table 1 and place in the table 2 that follows.

Table 1 – Characteristics	
Work Ethic	Balanced, Ambitious, Driven
Outlook	Optimistic, Hopeful, Skeptical
View of Authority	Unimpressed, Relaxed/Polite, Love/Hate
Leadership Style	Competence, Achievement/Pulling together, Consensus
Perspective	Team-oriented, Self-reliant, Civic-minded

Table 2- Generation	Attributes (Work Ethic, Outlook, View of Authority, Leadership Style, Perspective)
Baby Boomers Born: 1946-1964	
Generation X Born: 1965-1980	
Generation Y Born: 1981-2000	



Debrief using the following examples of benefits

- Each generation brings different skills and talents to the table.
- Different generations offer great mentorship opportunities – in both directions.
- Diversity is crucial to fostering innovation in the workforce. By having a mix of generations, workplaces gain from all those experiences. They – the Boomers, the Xers, the Millennials – then work collaboratively together, learning from each other.
- A workforce heavily composed only of people in a particular age demographic runs the risk of becoming obsolete. A multi-generational workforce reduces this risk.



In small groups, ask participants to place the characteristics listed in the right-most column of table 1 into the spaces in table 2.



Debrief using the Answer Key in the back of the Participant Guide.



To manage the differences in perceptions among the generations while recognizing the cross-generational similarities in workplace preferences, managers should:

- Implement programs, policies and practices that respond to the cross-generational desires for respect, flexibility and fairness in the workplace;
- Build a culture of inclusion to address the negative stereotypes about the generations in the workplace; and
- Learn from effective practices used by other organizations.

Generational differences can both enhance and impair organizational effectiveness. On the one hand, different generations of workers bring a variety of experiences, talents, and insights that can improve an organization's capacities for innovation, productivity, and growth. On the other hand, differences in communication, problem solving, learning style, and social interaction among the generations can lead to intergenerational misunderstandings and workplace conflicts that can hinder organizational performance.

A Conference Board of Canada study indicated that negative stereotypes of the following three generations include:

- Boomers are seen as less comfortable with technology, less open to change, and less accepting of diversity than other generations;
- Generation X workers are seen as cynical, independent, and easily annoyed by any hint of being micro-managed; and
- Generation Y workers are seen by older colleagues as lazy, difficult to manage, and perpetually prepared to bolt from the organization as soon as another opportunity arises.

Managers need to be aware of these stereotypes, as each can have a negative impact on workplace performance and can lead to added friction in the workplace.



Emphasize that today's workforce is becoming increasingly diverse and that supervisors and managers play a vital role in fostering an environment that is inclusive and free of stereotypes.

At the CBSA, frontline employees are: highly educated; and may be new employees to the public service with limited work experience or second careerists who possess significant marketable skills from previous careers ie. technology.



Unit 3: Change management

3.1.1 What is change?

Nothing generates fear, anxiety and trepidation more than change does. The reason is that change is identical to loss – it is the act of giving up the ways, processes and behaviours that we have grown attached to, often without our input or control.

As a manager, leading your team through change is critical. Everyone deals with change differently and if a change is not dealt with in a caring, supportive way, it could be very damaging to your employees.

“Change” vs. “transition”

When we talk about change, we focus on the outcome it will produce. Transition is different; the focus is not the outcome but the “ending” the person will have to make in order to leave the old situation behind. Transition is an internal experience. It is the mental process people go through when trying to come to terms with a new situation.



“Change management” (including exercises): 45 min.



*Say to participants:
“Change is a major factor that can affect a team’s performance. Let’s look at the process of change.”*



Present slide – Change Management

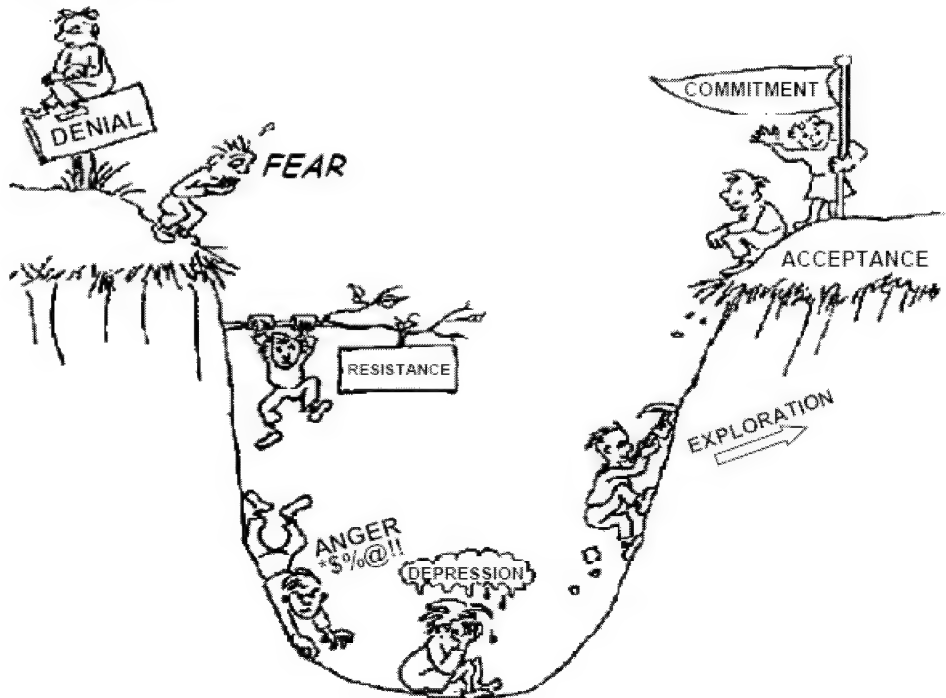


Process

Present slide - The Change

The Change Process

Let's first look at how people move through change using the graphic shown below:



Exercise time: 10 min.



Ask participants to discuss their personal experiences with change in groups. Ask one or two participants to share their experience with the class afterwards.

Exercise 3: Your experience with change

As a group, discuss your personal experiences with change. Use the questions below to guide your discussion.

1. Identify changes in your workplace you have encountered recently.

2. How did you react to these changes and why?



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3. Think of a change that you successfully implemented. What factors contributed to its success? What might you have done differently?

3.1.2 Change leadership

Change leadership is delivering the message of change and creating an environment that inspires people to change. It involves the ability to communicate and manage change, and to take action to reinforce new ways of thinking. It also includes recognizing the impact of change on yourself and others, and developing strategies to promote acceptance of change.

As a manager, you are responsible for communicating “change” to your employees and developing a plan of action to implement the change. You need to be aware of the “loss” your employees experience during the change, so you can acknowledge it and assist your employees to move beyond it.

During a change, a good leader communicates:

- The vision, the mission and the objectives of the change management effort clearly
- Consistently, frequently, clearly and through multiple channels
- With the right people
- With honesty
- Without overloading their team with useless information
- By having conversations with their team

Manager’s Role in the Change Management Process

Although every change a manager deals with may vary and consist of different elements, the process of managing change is relatively the same.



*Say to participants:
“Now that you know the different reactions to change that may face a team, let’s look at how you can effectively lead your team during a change.”*



Present slide - Change Leadership and Communication.



Ask participants to read the change management process on this and the following page.



After participants have read the stages, ask the group “What do you feel is the most difficult part of the change management process to implement? What pitfalls might you encounter? What have you done to manage the change process?”

1. Preparation

During this step, the key task is to gather all the possible information regarding the upcoming change, i.e., its objective(s), scope, deadlines, impact on business, structure, people, etc. Important for managers: analyse the impact of the change on themselves and assess their own reaction(s).

2. Planning

Based on the information gathered in the previous step, the manager needs to prepare a communication plan; taking into account the possible/predictable reactions of the employees to the change and preparing an action plan to deal with these reactions positive, neutral, negative (resistance).

3. Transition

The main task of the manager, in this step, is to communicate a plan (from the business perspective as well as from the individual perspective) and observe the different reactions. Important for the manager: Make yourself available to answer your employees’ questions/concerns. Send a clear message about the change – management is serious about the change and there is no turning back.

4. Implementation

At this step, it is crucial for the manager to have everybody onboard in order to move from the past to the future. This is when the manager should ask for ideas, suggestions from the staff on how the change could be implemented. They can also assign specific tasks to the team members. By doing so, the manager is securing their commitment and ensuring their energy is focused on the future, not on the past.

Important for the manager: Look for effort and acknowledge and recognize it.

5. Reward

This step is generally overlooked and skipped by most managers. If the manager wants the team to tackle other changes in the future, it is important to take the time to recognize the team for its effort and celebrate its successes. Take time to plan and organize a celebration – it’s a great teambuilding opportunity



Exercise 4: Change management

You will be assigned to one of four teams. In your team, answer the following question: What specific approaches could you use to deal with your assigned “change reaction group”? Be prepared to share your ideas in plenary.

Change reaction groups:

1. 10% in favour of the change
2. 80% indifferent (neutral) to change
3. 5% against the change for legitimate reasons
4. 5% against the change, regardless



Exercise time: 15 min.



This activity can be done in plenary as an alternative to that below.

Divide participants into four teams. Assign each team a change reaction group. Ask participants to discuss the approaches they would use for the group assigned to them. Debrief using the Answer Key in the back of this booklet.



Unit 4: Stress management



*"Stress management"
(including exercise): 30 min.*

Stress is part of life. Stress at its worst can be paralyzing and exhausting. A little bit of stress can be motivating, but too much stress can be overwhelming and have a detrimental effect on health, well-being, quality of work and staff turnover.

As a manager you have a key role in helping create a workplace that is less stressful for your employees, encouraging employees to foster their well-being and noticing signs of when they may be experiencing too much stress so you can support them in taking corrective measures.

Additionally you are in a position of high responsibility and often caught in between conflicting demands and priorities. Stress management is important for you and your well-being. By actively managing or better yet, reducing your stress, you provide an example for your entire team.



Use the following situation to introduce the topic of stress. Say the following "What does your day look like? Urgent files everywhere on your desk, tons of e-mail, a voice mailbox with multiple pending calls, clients putting pressure on you, employees that are absent, conflicts, a schedule that is filling up and more. Ask participants how they would define stress.

4.1.1 Recognizing stress

It has been proven that a certain level of stress is needed to enhance performance and motivation. On the other hand, too much stress can have the effect of draining you to the point of leaving you incapable of accomplishing anything.

The good and bad stress

Both the good and the bad things that happen to us can cause stress. If we did not feel any stress, we would not be alive!

Like it or not, stress is part of our lives! A little bit of stress does not harm anyone. On the contrary, it generates productivity, it can help us to intensify our focus and even lead us beyond our own limitations.

However, too many stressful situations and little or no recovery time becomes a negative stress. Each of us will respond differently to this overload. Some people will get tired quicker than others and will see some symptoms of the damage caused by stress.

Signs associated with stress

"The straw that broke the camel's back." Stress interferes slowly in our lives, but it eventually sends us physical or emotional signals that sound the alarm and tell us that it is time to take control of our stress before it is too late.



In groups of 4-5, ask participants to identify the physical characteristics of stress and the methods used for managing stress. Debrief as a class and emphasize that regardless of the situation, our stress level increases and our blood pressure soars. We need to be able to deal with stress.



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The muscles, by calculated reflex, react to stress. The muscles contract, acting as protection when the body is affected by a surplus of tension. We then feel an intense sense of discomfort, burning and considerable muscular congestion.

Some of the other physical symptoms of stress are:

- Exhaustion
- Nausea/vomiting
- Weakness
- Difficulty breathing*
- Chest pains*
- Rapid heart rate
- Headaches
- Dry mouth/always thirsty
- Elevated blood pressure
- Fainting/dizziness
- Exacerbation of allergy problems
- Symptoms of shock*

* Definite indication of the need for medical evaluation

Some of the emotional symptoms of stress are:

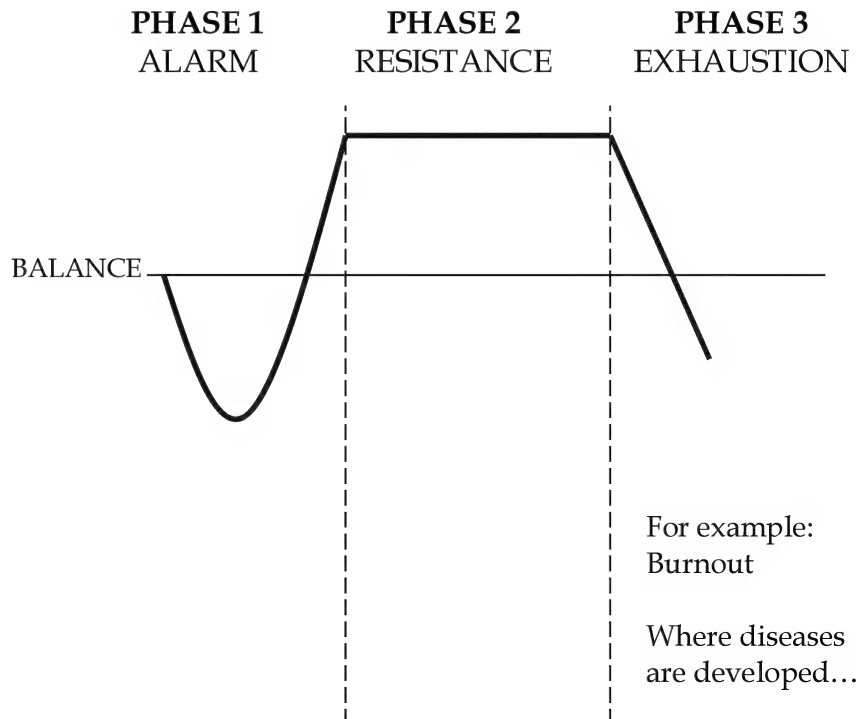
- Frustration
- Strong need for recognition of what they experienced
- Anxiety
- Guilt/feeling strongly for victims
- Sense of loss
- Anger
- Denial
- Fear of loss of control
- Irritability/agitation
- Depression
- Feeling overwhelmed
- Feeling isolated
- Loss of emotional control



Present slide– Stress Management

4.1.2 How humans react to stress

When you find an event stressful, your body undergoes a series of changes, called the stress response. There are three stages to this response.



Phase 1: Alarm

Following exposure to a stressor, the body reacts, first by weakening. At the same time, it sends messages to the pituitary glands and the hypothalamus (call for mobilization).

Your body releases adrenaline, your heart beats faster, and you start to breathe more quickly.

Phase 2: Resistance

If the stressor persists and the body is able to adapt to it, it adapts. The level of resistance rises above the normal level of balance. Your body begins to release stored sugars and fats from its resources. At this stage, you will feel driven, pressured and tired. You may drink more coffee, smoke more, and drink more alcohol than is good for you. You may also experience anxiety, memory loss, catch colds or get the flu more often than normal.

This phase does not continue indefinitely. If the stressor stops, the body comes back to its balance. Otherwise, you get to Phase 3.



Phase 3: Exhaustion

Following the continuous and prolonged adaptation to the stressor, the adaptation energy is finally exhausted. The body's need for energy will become greater than its ability to produce it, and you will become chronically stressed.

At this stage, you may experience insomnia, errors in judgement, and personality changes. You may also develop a serious sickness, such as heart disease, ulcers or mental illness. Prolonged and continued exposure to stress is harmful.



After explaining the phases, present slide–Role of the Leader

4.1.3 Dealing with stress

Your feelings about the events in your life are very important. By understanding yourself and your reactions to stressful events, you can learn to handle stress effectively. The best place to start is by figuring out what produces stress in you, such as:

- Major events in your life: getting married, changing jobs, moving your home, getting divorced, or coping with the death of a loved one,
- Long-term worries: concern about your children's future, financial or economic problems, or an ongoing illness,
- Daily hassles: traffic jams, rude people, or machines that just don't work when you want them to.

Because each of us is different, there is no one “correct” way to cope with stress. However, there are a number of different things that can be done, and it is helpful to look at both short and long-term solutions to reducing stress.

Identify your problems. Is your job, your relationship with someone, or money worries causing you stress? Are unimportant, surface problems masking real, deeper ones? Once you are fairly sure you know what the problem is, you can do something about it.

Solve your problems. Start thinking about solutions. What can you do, and what will be the consequences? Should you be looking for a less stressful job? Do you need marriage counselling? Should you talk to a financial expert about money management? What will happen if you do nothing? If you follow this problem-solving strategy, you should be able to make some changes to take the pressure off yourself. This long-term way of reducing stress in your life is something everyone, sooner or later, will need to do.

Talk about your problems. You may find it helpful to talk about your stress. Friends and family members may not realize that you are



Ask participants some of the strategies they have used in the past that were successful in managing stress. What strategies didn't work so well.



having a hard time. Once they understand, they may be helpful in two ways: first, by just listening to you vent your feelings and second, by suggesting solutions to your problems. If you need to talk with someone outside your own circle of friends and relatives, your family doctor may be able to refer you to a mental health counsellor.

Learn about stress management. There are many helpful books, films, videos and courses to help you cope with stress. There are also counsellors who specialize in stress; ask your family doctor for a referral to one. There may also be community college courses and stress management workshops available in your community.

Reduce tension. Physical activity can be a great stress reducer. Go for a walk, take up a sport, dig in the garden, clean the house, etc. You may find it helpful to learn some relaxation exercises. These can be as simple as deep breathing – slowing inhale through your nose until you cannot take in any more air, and then exhale through your mouth. Another simple exercise is stretching – stretch and relax each part of your body, starting from your neck and working downward; exhale as you stretch, and inhale as you release the tension. If you make a habit of taking pressure off yourself by getting rid of your tension, you will find yourself less stressed and more able to solve the problems that caused your stress in the first place.

Take your mind off your problems. You may be able to get rid of stressful feelings temporarily by getting busy. If you get involved in hobbies, sports or work, you can give yourself a "mental holiday" from your stress. Not thinking about your problems for a while can give you a little mental distance from them and make them easier to solve later on.

4.1.4 Preventing stress

Once you have lowered your stress level, it is wise to look for ways to prevent excessive stress from building up again. The best way to cope with stress is to prevent it. Some good ways to do this are:

- **Make decisions.** Not making them causes worry and, therefore, stress.
- **Avoid putting things off.** Make a weekly schedule, including leisure activities as well as chores.
- **Delegate.** Get others to do tasks that they can handle so that you are not trying to do everything by yourself.

Remember, it is impossible to have a completely stress-free life. Your goal should be to avoid getting to the third stage of stress where your energy stores are drained. As long as you do not get stuck in the third



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stage of the stress response, you will avoid becoming chronically stressed.

Do you need more help?

If you or someone you know is feeling too much stress and you need more information about resources in your area, contact a community organization, such as the Canadian Mental Health Association, which can help you find additional support.

The CBSA has an Employee Assistance Program to provide short-term counselling for you, your employees and your family as well as advisory services for managers. Please see the EAP intranet pages on Atlas for more information. There is also a workshop called *Coping with Stress* (H2027-N).

You may also contact the EAP external service provider. It is a 24/7 service for all employees.



Refer participants to the References and Resources section for a link to the CBSA's Employee Assistance Program and to the workshop H2027-N.



Exercise time: 15 min.



Ask participants to follow the instructions and work through the exercise to complete their own stress reduction action plan.

Debrief by asking the participants to share strategies that they use to reduce stress, both short term (in the moment of feeling stressed) and long term (self-care strategies they adopt to reduce stress such as sleep, nutrition, exercise). Also discuss possible avenues such as the Employee Assistance Program (EAP).



Present slide-Resources

Exercise 5: Stress reduction action plan

1. Brainstorm all of the things that are causing you stress right now. Think about all of the aspects of your life: work, home, relationships (partner, children, friends, parents, siblings, neighbours, colleagues, supervisor), past, future, finances, health, etc.

2. Prioritize all of the stressors by assigning a ranking to each. Circle the top stressor that you want to work with.

3. Park the rest of them. (Put them aside for the moment; know they are safely written down so you can come back to them later.)



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Working with the top stressor that you circled, answer the following questions:

1. Self-care strategies

- a. What can help in the moment of feeling stressed about this?

- b. What long-term self-care strategies can I adopt to help me with my stress level? (Remember the basics of sleep, nutrition and regular exercise.)

2. What signs of stress do I need to notice and pay attention to? What are my warning signals? (Remember to include signals from your body, thoughts, behaviours and emotions.)

3. Control:

- a. What can I control in this situation? *Put your energy into the things you can control.*

- b. What can't I control in this situation? *Do not put any energy into the things that are beyond your control and beyond your responsibility.*



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4. Perception - how can I look at this differently? How can I look at this more positively?

5. What support do I need to help me with any of these questions or to take action?

6. List 5 things that make you happy and/or give you a sense of accomplishment. You can add things that you are thankful for, if that speaks to you more.

Keep this list handy, especially when your stress-levels are high and it is difficult to remember these positive things.



Unit 5: Well-being

Well-being is each individual's responsibility as well as a shared responsibility. We each have the capacity to be well and healthy but it takes focus and determination.

Important reminders to consider regarding well-being:

- True health and well-being is much more than the absence of illness.
- There is a huge role that individuals play in their health and well-being. It is important to be aware of this role, be proactive and control the things you can control.
- We all have choices and we need to ensure that we are making choices that are good for us in both the present and the future.
- We also have an important role in influencing other people's health and well-being.

In the workplace, managers are responsible for creating a workplace environment that is fair, enabling, healthy and safe.

Achieving workplace well-being is also each individual's responsibility. Each person needs to be attuned to their definition of balance, be clear about their needs and priorities and make a commitment to maintaining this equilibrium.

In this way we can see well-being as a shared responsibility and a combination of rights and responsibilities.

The assessment tool on the following pages looks at your areas of strength related to health and well-being and also areas where you may want to develop in terms of deepening your health and well-being.



"Well-being" (including exercise): 30 min.



Present slide - Well-being.



*Say to participants:
"We've talked a lot in the past week about leading employees. Now we need to talk about taking care of you."*



*Ask participants:
"How would you define well-being?
Who plays a role in your well-being?
What are some strategies that you use to maintain your well-being?"*



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Exercise time: 15 min.

Exercise 6: What is your well-being level?

Read each statement in the chart and record the score corresponding to the response that best reflects how you have been feeling during the past month. Add up your scores to find out your total well-being score.



Ask participants:

"How would you define well-being?
 Who plays a role in our well-being?
 What are some strategies that you use to maintain your well-being?"



Explain that the purpose of the exercise is to have participants reflect and determine the degree of balance they have across the different areas in their life, how well they are coping and how good they feel about things. These are all important aspects of well-being and mental health. There is no magic score that guarantees perfect well-being so we have not included any guidelines regarding "high" or "low" scores and what they mean. Instead, we recommend using this self-test to track your own well-being status over time.



Ask participants to complete the questionnaire to find out their personal well-being score.

This past month...	Almost always (5 pts)	Often (4 pts)	Half the time (3 pts)	Rarely (2 pts)	Never (1 pt)
I felt self-confident					
I felt satisfied with what I was able to accomplish - I felt proud of myself					
I was a "go-getter" - I took on lots of projects					
I felt emotionally balanced					
I felt loved and appreciated					
I had goals and ambitions					
I felt like having fun, participating in sports and all my favourite activities and hobbies					
I felt useful					
I smiled easily					
I was true to myself, being natural at all times					
I did a good job of listening to my friends					



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I was curious and interested in all sorts of things					
I was able to clearly sort things out when faced with complicated situations					
I found life exciting and I wanted to enjoy every moment of it					
My life was well-balanced between my family, personal and professional activities					
I was quite calm and level-headed					
I was able to easily find answers to my problems					
I got along well with everyone around me					
I lived at a normal pace, not doing everything excessively					
I had the impression of really enjoying life					
I had a good sense of humour, easily making my friends laugh					
I felt good, at peace with myself					
I felt healthy and in good shape					



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I was able to face difficult situations in a positive way					
My morale was good					

My total well-being score out of 125: _____

What does my well-being score mean?

Your score reflects the degree of balance you have across the different areas in your life, how well you are coping and how good you feel about things. These are all important aspects of well-being and mental health. There is no magic score that guarantees perfect well-being so we have not included any guidelines regarding "high" or "low" scores and what they mean. Instead, we recommend using this self-test to track your own well-being status over time.

If you are actively working on ways to improve your health then your score will probably go up over time. Increases usually mean we are feeling better about things and feel more able to cope with life's challenges while still finding time for fun. If you are experiencing stress or changes in your overall health then your score may go down for a period of time. Decreases usually mean it is harder to feel good about things and we are struggling to find a sense of balance. Decreases in scores can be an important sign we need to take action to make things better for ourselves. Most of us will experience ups and downs in our well-being scores over time. To track your own well-being and general mental health over time we recommend taking this test once a month.

Please look at the Well-Being Intranet pages for more information about well-being and related resources, and take the online course *Well-Being Matters: Taking Care of Your Physical, Mental and Social Health* (H2041-P) to delve more deeply into the topic.



Refer participants to the CBSA's well-being content on Atlas including the resources for employees and managers. Also bring to their attention CBSA online course H2041-P Well-Being Matters: Taking Care of your Physical, Mental and Social Health.



Unit 6: **Wrap-up and Self-reflection**

During the past five days, we examined a variety of topics related to leadership at the frontline. The purpose was to prepare frontline supervisors and managers with the knowledge and skills needed in respect to people management.

At this time, you may want to reflect on this week's topics and identify any actions that you wish to commit to for your own development.

What was the most important information I learned this week?

As a result of attending this training, what changes will I incorporate?

In terms of my personal development, what do I want to focus on for the next six months?

Other ideas, references or comments:



Time: 15 min.



Conclusion: Upon their return to work, we want the participants to apply the new skills and knowledge that they learned during training.

Ask the participants to identify an area that they would like to develop. Ask them to add a reminder of their learning goal into their blackberry..



Ask participants to respond to one of the questions in the Self-reflection that resonates with them.



Answer Key Exercise 1: Supervising Team Dynamics

Scenario	Stage of teamwork	Possible strategies
Your team is assigned a multi-faceted project involving almost everyone on the team. Once you've explained and delegated tasks, team members get straight to work.	<i>Performing</i>	Thank your team for their hard work. Schedule a team lunch or coffee break as a reward. Advise your team of the positive impact of their efforts to the division/ Agency. Pass on any praise you may receive from colleagues.
You hold a team meeting and find that most of your employees are reluctant to express their opinions. The one exception is an employee who questions each of your suggestions.	<i>Forming</i>	Ensure that you are knowledgeable enough to answer any questions on the purpose, objectives, roles and responsibilities of the team. Meet with each employee one-on-one to discuss their style of work, roles and responsibilities. Get to know the personalities of each employee.
You encounter a conflict between two team members who find it difficult to work together. You think this is because roles and responsibilities are not clearly understood by all team members.	<i>Storming</i>	Resolve any conflicts that may arise. To build consensus, be prepared to answer questions and communicate the rationale of your decisions. Clarify any issues that employees may be confused about. Help employees feel comfortable speaking to you about their issues.
Your team completes a project efficiently with no significant conflicts. You schedule a team meeting to thank the team for their hard work.	<i>Adjourning</i>	Continue to do what you currently do. Maintain communication and positive reinforcement.
Your employees are willing to follow established procedures and methods. They collaborate on projects with few conflicts.	<i>Norming</i>	Communicate the big picture and be open to differing opinions. Bring the focus to the goal being achieved. Clarify procedures and methods to be used and ensure that all team members are comfortable with them.



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Answer Key Exercise 4: Change management

10 % in favour of the change:

- They are great sounding boards; listen to their advice
- Ask them for ideas, plans, strategies (they could be excellent sources of ideas)
- They may help you to better understand staff anxiety, resistance and losses
- Involve them in meetings, workshops, committees and taskforces
- They are great “ambassadors”

80 % who are indifferent:

- Communicate; educate them about the change
- Stress the gains – foster dissatisfaction with the status quo
- Ask “What will happen if we don’t change?”
- Make sure staff feel included rather than ignored or worse, manipulated
- Create a critical mass
- Reward people for coming on board – rewards should be in line with the usual incentives available to you
- Involve them in activities to unfreeze frozen attitudes and values

5 % who are against the change for legitimate reasons:

- Listen to their concerns
- Identify their losses, fears, etc.
- Make yourself available
- Acknowledge their emotions/feelings and provide emotional support
- Be supportive, e.g., provide training, pace the rate of change, give employees time off after a demanding period
- You may have to negotiate with the resisters

5 % who are against the change, regardless:

- Make the employee aware of the consequences of their actions: e.g., possibilities of demotion, transfer, loss of jobs, disciplinary measures, etc...
- Monitor their actions
- Keep them busy
- Use a very direct approach
- Manage them by setting short, precise, and tangible goals with associated tasks and results



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Notes

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2019-05-03



CBSA ASFC

Difficult Conversations

The Informal Conflict Management System (ICMS)

Revised, February 08th, 2019
By Informal Conflict Management System Division





CBSA ASFC

Workshop Objectives

- Increase one's self-awareness in the work environment
- Recognize the characteristics of difficult conversations and effective feedback
- Build agility skills in having difficult conversations and giving/receiving feedback
- Provide strategies for managing challenging situations at work

2

CBSA ASFC

Facilitator's Expectations

- Participant engagement
- Respect
- Cellphone Free Zone
- Stories, Experience & Confidentiality

3

2019-05-03

2.0

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Workshop Outline

- Welcome & Ice Breaker
- The Dynamics of Difficult Conversations
- Self-Awareness
 - Emotional intelligence
 - Conflict Management Styles
- Break! (15 min)
- The Art of Effective Feedback
- Lunch! (60 min)
- Model for Giving/Receiving Feedback
 - Working on the "how"
- Practical Exercises
- Questions and Answers

4

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ICE BREAKER

- Please state:
 - Your first and last name
 - Name a quality that describes you by using the first letter of your name

5

5.0

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What Makes a Conversation Difficult?

1. Have you had a difficult conversation in the past?
2. If so, what made it difficult?

6

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What Makes a Conversation Difficult?

- Nature of topic
- High stake
- Personal feelings and potential impact on the relationship
- Confidence level and lack of know how
- Knowledge of other person & of situation
- Limited perceived options available to resolve the situation
- Perceived or real power imbalance

7

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Emotional Intelligence

- Emotional intelligence (EI) is the capability of individuals to recognize their own, and other people's emotions. And to use this emotion information to guide thinking and behavior.
- Our emotional intelligence will impact how effective we are in handling difficult conversations and how well we can manage other people's reactions to difficult conversations

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Emotional Intelligence (EQ) can help...

1. **Self-awareness:** The ability to identify what you are feeling and how it influences your behaviour.
2. **Self-management:** The capacity to process your feelings and respond appropriately in challenging situations.
3. **Social awareness:** The aptitude to perceive changes in someone's behaviour and body language and to use this information to guide your response, behaviour or actions.

9

2019-05-03

CBSA ASFC

CONFLICT
MANAGEMENT STYLES

10

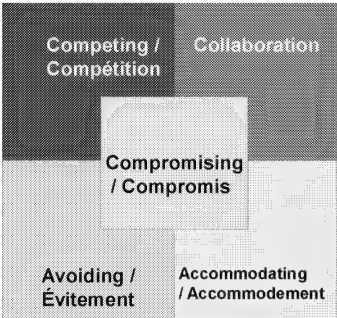
CBSA ASFC

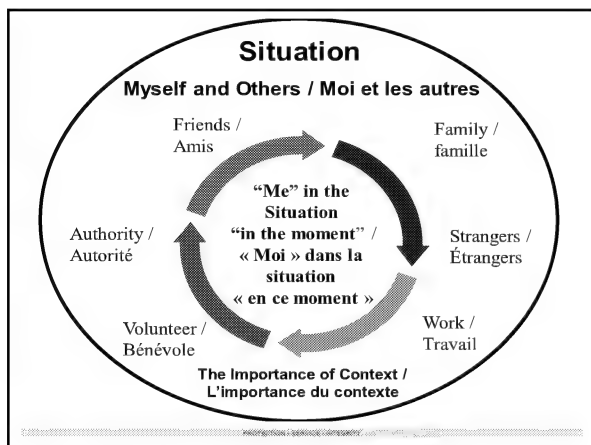
Conflict Management Styles
The Thomas-Kilmann Method



11

Modèle Thomas Kilmann Model





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Tips

Conflict management using TK

- ✓ Your style(s)
- ✓ The style(s) of others
- ✓ The best approach for the situation

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CONFLICT MANAGEMENT STYLES

Let's look at the group

15

GIVING AND RECEIVING FEEDBACK

What is Feedback: Definitions and Basic Principles

- Feedback is the act of telling someone something that you want them to be aware of
- Feedback can be spontaneous or planned

-
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-

Characteristics of Effective Feedback

- Specific
- Timely
- Relevant
- Clear
- Reinforces desired behaviour
- Provides useful information
- Promotes understanding

-
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-

20

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Model for Giving/Receiving Feedback

- A model and accompanying tool have been developed to assist with the giving and receiving of feedback
- When feedback is given/received well, it builds trust, enhances relationships, and increases productivity

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Giving Feedback

- Behaviour
- Context
- Impact
- Request

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Model for Giving Feedback

Feedback, when given and received well, can build trust, enhance relationships and increase productivity. This tool will assist you in planning for communication that involves feedback.

1. Behaviour

Clearly identify the behaviour you want the person to reinforce or redirect.

"I want to talk with you about positives and how to best meet them."

2. Context

Identify the specific situation in which you observed these behaviours.

"Yesterday, I received your input for the weekly report that was due two days ago."

3. Impact

Ask for the other person's perspective. Describe the impact and consequences that behaviour have on you, the group and the organization.

"The ongoing deadline led to me being late in responding to a request, meeting messages. I'd like to hear your version of what happened."

4. Request

Make a specific request. Identify behaviours and alternative actions that would have a positive impact.

"I would like you to let me know when you are unable to meet a deadline. Let's also touch base mid-week to check that things are on track."

A. Attitude

- Be timely — respond, do not react.
- Put the person at ease.
- Be interested and curious.
- Be genuine, acknowledging emotions that arise.
- Be specific on what the person said or did.
- Intentions are generally positive; avoid making assumptions.

B. Communication

- Use "I" statements
- Explain that your intention is to help.
- Tell the person what they did well.
- Focus on behaviour and performance, not personalities.

C. Logistics

- Listen and adjust as necessary.
- Make an appointment and choose a private, suitable place.
- Allow enough time and inform the person of the purpose of the meeting.
- Schedule for follow-up discussions.
- Bring any relevant documentation.

D. Trust the process

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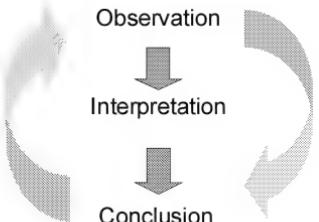
Working on the “How”: Attitude

- Be aware of your positive intention
- Think about how you want the other person to perceive you
- Sincerity is key
- What you are thinking will affect what you are saying and how you say it...

-
-
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-

Working on the “How”: Observations

- It is easy to mistake a conclusion for an observation:



```
graph TD; A[Observation] --> B[Interpretation]; B --> C[Conclusion]; C --> A;
```

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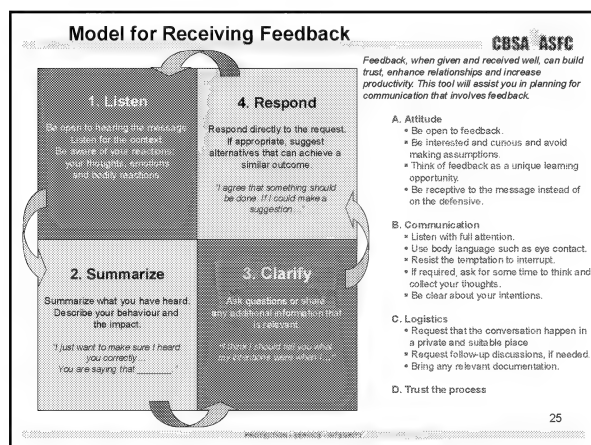


Receiving Feedback

- Listen
- Summarize
- Clarify
- Respond

#endtheviolence @endtheviolence /endtheviolence24

-
-
-
-
-
-



Working on the "How": Listening CBSA ASFC

- Listening well is as important as expressing yourself well
- Active listening promotes understanding, clarity and safety
- Summarize, ask questions, leave space for the other person to talk...

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Opening the Feedback Conversation CBSA ASFC

- Prepare a concise statement about what it is you want to provide feedback on
- Describe the topic in a clear and neutral statement (this sets the tone)
- Provide a specific description of the behaviour in question and the context

Example: *I want to talk to you about leave requests. Last Tuesday, you were away from the office but I have not yet received a leave request.*

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Practical Exercise

Either in groups or in pairs...

- Watch demo
- Pick from which perspective you want to deliver the feedback (as the Josephine's manager; her peer; or her employee, Adelaide)
- Use the worksheet and prepare feedback for the other person
- Deliver the feedback

#redteamblue / #adelaide / #josephine

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CBSA ASFC

DIFFICULT CONVERSATIONS

#redteamblue / #adelaide / #josephine

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Difficult Conversation

- Let's practice scenarios in plenary
 - Scenario Red/Blue
 - Scenario Green/Smith
 - Scenario White/Brown

#redteamblue / #adelaide / #josephine

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Informal Conflict Management System (ICMS)

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Conflict Management Options

Discussion Coaching Facilitation Mediation Grievance Investigation Adjudication

Control over the process and the outcome

Collaborative (interest-based)

Traditional (rights-based)

3232

32³²

Some Examples of when to use Rights Based resolution Mechanisms

- Rights Based is most appropriate when:
 - Laws, policies, collective or global agreements are being challenged
 - Need to set precedent
 - Fear of violence
 - One of the parties is seeking retribution

“IF IN DOUBT CALL US TO DISCUSS”

- Rights Based is most appropriate when:
 - Laws, policies, collective or global agreements are being challenged
 - Need to set precedent
 - Fear of violence
 - One of the parties is seeking retribution

"IF IN DOUBT CALL US TO DISCUSS"

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Roles and Responsibilities

MANAGEMENT	UNION	EMPLOYEE
<ul style="list-style-type: none"> • Ensure employees are aware of ICMS • Understand what options are available • Act quickly to resolve conflicts 	<ul style="list-style-type: none"> • Participate in the process as requested by their members • Refer employees to ICMS when appropriate • Understand what options are available 	<ul style="list-style-type: none"> • Express their concerns • Help to search for solutions • Involve their union representatives as they see fit

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ICMS Role and Responsibilities

During the delivery of an informal process, the Neutral Party will:

- Remain impartial;
- Assist parties to listen, communicate and move through the process
- Assist the parties to clarify the important issues and interests
- Shift the focus from the past to the future, from positions to interests, from wants to needs
- Encourage a respectful, non-confrontational exchange between the parties
- Assist the parties to finalize their Terms of Agreement if applicable

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CBSA ASFC

Regional ICMS Advisor-Coordiators

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Vacant

Prairies
Andrew Wehmstra
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Quebec
Nathalie Martin
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SOR Windsor:
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SOR Niagara Falls:
Carrie Macfie
905-354-2764
GTA:
Linda Kassay
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SCRC
Penny Parham
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SOR
Slanko Pecok
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Céline-Renée Arbiqne
(613) 975-3502

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For more information on the
Informal Conflict Management System and its services,
or to contact us:

... .. **NATIONAL ICMS WEB SITE:**

ICMS Principles: Confidentiality – Neutrality - Volunteer

CBSE ASFC

**“No problem can be solved
from the same level of
consciousness that created it”**

Albert Einstein

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Sheet #5

The connection between attitude and non-verbal communication:

Instructions for Participant A:

Adopt a tense or angry position with your face and body, and hold it for at least 20 seconds. Then, immediately say “good morning” to participant B with a positive, welcoming tone.

Let participant B write down what they noticed, then move on to second part of the activity, where you will let participant B settle into a body position and say something to you.

After participant B says something to you, absorb what was said, then write down what you noticed (especially in terms of body language and tone, and what had the greatest impact – the words, or how something was said?)

Take a couple of minutes to share what you noticed with your partner, and be ready to bring your observations to the larger group.

Sheet #5

The connection between attitude and non-verbal communication:

Instructions for Participant B:

Wait a minute or so to let Participant A get prepared. When participant A says something to you, just absorb what was said, then write down what you noticed (especially in terms of body language and tone, and what had the greatest impact – the words, or how something was said?).

Then it is your turn. Adopt a tense or angry position with your face and body, and hold it for at least 20 seconds. Then, immediately say “Please come to my office in 5 minutes” to participant A with a positive, welcoming tone.

Let participant A write down what they noticed.

Take a couple of minutes to share what you noticed with your partner, and be ready to bring your observations to the larger group.

Sheet #6

Active Listening Activity

Divide into groups of 3 or 4 and each person chooses one of the roles below:

- 1) speaker,
- 2) listener focusing on facts,
- 3) listener focusing on emotions,
- 4) observer of non-verbal language and dynamics.

Listeners/observers do not speak while the speaker is talking.

Speaker talks about something that they are passionate about for 1 to 2 minutes while others are in their assigned roles.

Upon completion, each listener summarizes the facts and or emotions that they heard back to the speaker, and observer summarizes what they noticed on a non-verbal level.

Active Listening Activity

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- 1) speaker,
- 2) listener focusing on facts,
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Speaker talks about something that they are passionate about for 1 to 2 minutes while others are in their assigned roles.

Upon completion, each listener summarizes the facts and or emotions that they heard back to the speaker, and observer summarizes what they noticed on a non-verbal level.

Sheet #7

OPENING THE FEEDBACK CONVERSATION

*For each of the following scenarios, prepare two statements. First, prepare an opening statement (how you would open the conversation and identify what it is you want to discuss). Secondly, write one statement that describes the specific behaviour you want the other person to be aware of. **You do not need to describe the entire conversation** – just prepare two short bullets for each scenario.*

You work in the cubicle next to Jasmine. Jasmine smells like her name, only stronger – she wears a lot of perfume every day. The scent really bothers you and is starting to give you headaches.

* _____

* _____

You are the leader of a team. Several of your team have been complaining that Fabrice is always late for work (he starts earlier than your normal work hours). This morning you made a point of coming in early to see when he arrived at work, and sure enough, he arrived at 8:20 am instead of his expected starting time of 8:00 am.

* _____

* _____

Your boss just sent an e-mail with a fairly wide distribution and you are a cc addressee. While reading it, you notice several spelling errors that you feel will reflect poorly on your boss and your section.

* _____

* _____

Sheet #8

Josephine and/et Adelaide

Feedback scenario:

Josephine = supervisor

Adelaide = employee

“Adelaide, drop what you’re doing right now and listen to me. I’m fed up with this. This draft response to the Ministerial inquiry was due two days ago, and you only gave it to me yesterday. Mind you, I don’t know why you even bothered to give it to me, because it is absolutely horrible. An elementary school student could do a better job! Look at all of these spelling and formatting errors! Spell check and dictionaries exist for a reason, you know, and the format for ministerial responses is clearly laid out. I shouldn’t have to do your work for you, and I shouldn’t have to rush just because you can’t get your work done on time. If you can’t be a professional, go find yourself another job...”

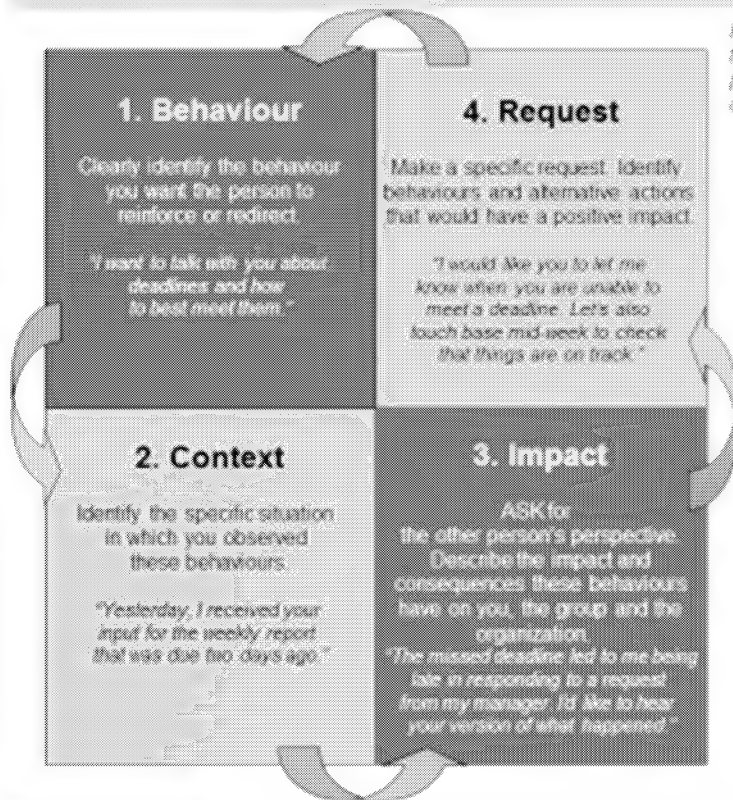
“Adelaide, arrête ce que tu fais à cet instant et écoute-moi. J’en ai ras le bol. Cette ébauche pour la réplique ministérielle devait être soumise il y a deux jours, et je viens de la recevoir hier. Par contre, je ne sais pas pourquoi tu me l’as soumise, car c’est terrible. Un élève à l’école élémentaire pourrait mieux faire! Regarde toutes ces erreurs d’orthographe et de format! Les dictionnaires et la fonction « spell check » existent pour une raison, et le format pour ce style de document est clairement établi. Je ne devrais pas avoir besoin de faire ton travail pour toi, et je ne devrais pas avoir à tout traiter d’urgence parce que tu n’es pas capable de terminer ton travail à temps. Si tu ne peux pas être professionnelle, va te trouver un autre emploi...”

Sheet #9

Model for Giving Feedback

CBSA ASFC

Feedback, when given and received well, can build trust, enhance relationships and increase productivity. This tool will assist you in planning for communication that involves feedback.



A. Attitude

- Be timely — respond, do not react.
- Put the person at ease
- Be interested and curious
- Be genuine, acknowledging emotions that arise
- Be specific on what the person said or did
- Intentions are generally positive; avoid making assumptions

B. Communication

- Use "I" statements
- Explain that your intention is to help
- Tell the person what they did well
- Focus on behaviour and performance, not personalities
- Listen and adjust as necessary

C. Logistics

- Make an appointment and choose a private, suitable place
- Allow enough time and inform the person of the purpose of the meeting
- Schedule for follow-up discussions
- Bring any relevant documentation

D. Trust the process

Sheet #9

Model for Receiving Feedback

CBSA ASFC

Feedback, when given and received well, can build trust, enhance relationships and increase productivity. This tool will assist you in planning for communication that involves feedback.



A. Attitude

- Be open to feedback
- Be interested and curious and avoid making assumptions
- Think of feedback as a unique learning opportunity
- Be receptive to the message instead of on the defensive

B. Communication

- Listen with full attention
- Use body language such as eye contact
- Resist the temptation to interrupt
- If required, ask for some time to think and collect your thoughts
- Be clear about your intentions

C. Logistics

- Request that the conversation happen in a private and suitable place
- Request follow-up discussions, if needed
- Bring any relevant documentation

D. Trust the process

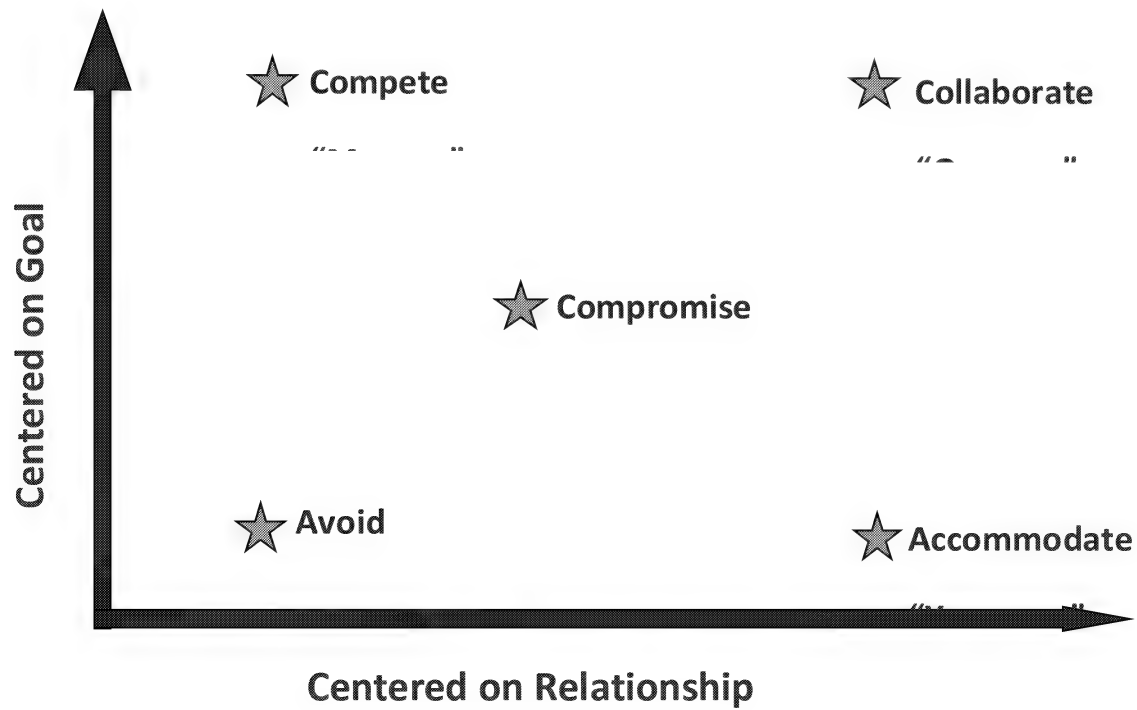
Sheet #10

CONFLICT MANAGEMENT STYLES

YOUR SCORES

STYLE	YOUR SCORE
COMPETITIVE	
COLLABORATING	
COMPROMISING	
AVOIDING	
ACCOMMODATING	

Sheet #12-a



Sheet #12-a

5 Types of behaviour

1. Compete

Competing is goal oriented – a power oriented mode. When competing, an individual pursues his or her own concerns at the other person's expense, using whatever power seems appropriate to win his or her position – the ability to argue, rank, economic sanctions, and so on. Competing might mean standing up for your rights, defending a position you believe is correct, or simply trying to win.

If you are this style, you may wish to ask yourself...

- Are you surrounded by “yes” people? (If so, perhaps it's because they have learned that it's unwise to disagree with you or have given up trying to influence you. This closes you off from information)
- Are employees afraid to admit ignorance and uncertainties to you? (In competitive climates, one must fight for influence and respect, acting more certain and confident than one feels. This means that people are less able to ask for information or opinion – they are less likely to learn).

2. Accommodate

Accommodating is relationship oriented – the opposite of competing. When accommodating, an individual neglects his or her own concerns to satisfy the concerns of the other person; there is an element of self-sacrifice in this mode. Accommodating might take the form of selfless generosity or charity, obeying another person's order when you would prefer not to, or yielding to another's point of view.

If you are this style, you may wish to ask yourself...

- Do you feel like your ideas and concerns do not get the attention they deserve? (Deferring too much to the concerns of others can deprive you of influence, respect, and recognition. It can also deprive the organization of your potential contributions.
- Is discipline lax? (Although discipline for its own sake may be of little value, there

Sheet #12-a

are often rules, procedures, and assignments whose implementation is crucial for you or the organization.

3. Avoid

Avoiding is neither goal nor relationship oriented. When avoiding, an individual does not immediately pursue his or her own concerns or those of the other person. He or she does not address the conflict. Avoiding might also take the form of diplomatically side-stepping an issue, postponing an issue until a better time or simply withdrawing from a threatening situation.

If you are this style, you may wish to ask yourself...

- Does your coordination suffer because people sometimes have trouble getting your input on issues?
- Does it sometimes appear that people are “walking on eggshells?”(Sometimes a dysfunctional amount of energy can be devoted to caution and avoiding issues, indicating that issues need to be faced and resolved).
- Are decisions on important issues sometimes made default?

4. Compromise

Compromising is half way between goal and relationship oriented. When compromising, the objective is to find an expedient, mutually acceptable solution that partially satisfies both parties. Compromising falls on a middle ground between competing and accommodating, giving up more than competing but less than accommodating. Likewise, it addresses an issue more directly than avoiding it but doesn't explore it in as much depth as collaborating. Compromising might mean splitting the difference, exchanging concessions, or seeking a quick middle-ground position.

If you are this style, you may wish to ask yourself...

- Do you concentrate so heavily on the practicalities and tactics of compromise that you sometimes lose sight of larger issues – for example, principles, values, long-term objectives, or company welfare?
- Does an emphasis on bargaining and trading create a cynical climate of gamesmanship (Such a climate may undermine interpersonal trust and deflect

Sheet #12-a

attention away from the merits of the issues discussed).

5. Collaborate

Collaborating is both goal and relationship oriented – the opposite of avoiding. When collaborating, an individual attempts to work with the other person to find a solution that fully satisfies the concerns of both. It involves digging into an issue to identify the underlying concerns of the two individuals and to find an alternative that meets both sets of concerns. Collaborating between two people might take the form of exploring a disagreement to learn from each other's insights, resolving some condition that would otherwise have them competing for resources, or confronting and trying to find a solution to an interpersonal problem

If you are this style, you may wish to ask yourself...

- Do you sometimes spend time discussing issues in depth that do not seem to deserve it? (Collaboration takes time and energy – perhaps the scarcest organizational resources. Trivial problems don't require optimal solutions, and not all personal differences need to be hashed out. The overuse of collaboration and consensual decision making sometimes represents a desire to minimize risk – by diffusing responsibility for a decision or by postponing action.
- Does your collaborative behavior fail to elicit collaborative responses from others? (The exploratory and tentative nature of some collaborative behavior may make it easy for others to disregard collaborative overtures; or the trust and openness may be taken advantage of. You may be missing some cues that would indicate the presence of defensiveness, strong feelings, impatience, competitiveness, or conflict interests.

Sheet #12-b

Strategies for dealing with different conflict management styles

Everyone has a natural conflict management style preference. Each conflict management style is very effective in different situations, depending on the style being used by the other party.

The tool below, although not exhaustive, provides some quick ideas to increase the chances of a positive outcome in a conflict scenario. To get the most effective results in your interactions, you need to **DETECT** the style, by looking at the left column, and **CONNECT** with this style by shifting your behavior to match that noted in the right column.

DETECT	CONNECT
<p><u>Compete</u></p> <ul style="list-style-type: none"> ➤ Goal oriented ➤ Quick decision maker ➤ Power oriented, win attitude ➤ Enjoys argument or debate ➤ Passionate and committed, willing to take a stand in what they believe in. 	<ul style="list-style-type: none"> ➤ Do not take a competing style ➤ Accommodate or avoid styles easily accepted yet will not create win-win ➤ Compromise or collaborate style is best ➤ Offer objective reality check if reluctant to shift toward collaboration
<p><u>Accommodate</u></p> <ul style="list-style-type: none"> ➤ Relationship oriented ➤ Neglects own concerns ➤ Wants to satisfy others ➤ Can be seen as selfless, generous, or obedient ➤ Interest is to keep peace 	<ul style="list-style-type: none"> ➤ Acknowledge their effort to satisfy others ➤ Explore their needs ➤ Make sure they feel heard ➤ If you do not address their needs or underlying conflict, resentment may fester. ➤ Negotiate in safe/comfortable settings (i.e. mediation, facilitated discussion) ➤ Do not rush negotiation
<p><u>Avoid</u></p> <ul style="list-style-type: none"> ➤ Neither goal nor relationship oriented ➤ Slow to action for their 	<ul style="list-style-type: none"> ➤ Make sure they know you will actively listen ➤ Meet in a safe / comfortable

Leading at the Frontline
ICMS (Difficult Conversations / Effective Feedback)

January 2018

Sheet #12-b

<p>interests or others</p> <ul style="list-style-type: none"> ➤ Do not address conflict ➤ "Better left alone" attitude ➤ "Don't stir up the pot" type ➤ Can be seen as diplomatic, side stepping, or postponing. ➤ May simply withdraw ➤ May postpone dealing with conflict, looking for a better time ➤ Does not address the needs or goals of either party 	<p>environment</p> <ul style="list-style-type: none"> ➤ Schedule another time if necessary and follow up ➤ Keep issues on table, do not rush settlement ➤ Separate issues into workable pieces ➤ Once interests of both parties are identified, make note and keep track. ➤ Be sure not to be seen as potential or working toward just your own interests
<p><u>Collaborate</u></p> <ul style="list-style-type: none"> ➤ Goal and relationship oriented ➤ Attempts to find win-win solutions ➤ Peels back issues to identify underlying concerns ➤ Looks for other's insights ➤ Shares their own insights ➤ Not afraid to put issues on the table ➤ Works to resolve or find creative solutions to interpersonal problems 	<ul style="list-style-type: none"> ➤ Need to ensure all concerned parties have been consulted ➤ Issue and interest identification important ➤ Actively listen ➤ Be prepared to share your insights ➤ Deal with all issues on table, bring up others ➤ Use brain storming ➤ Likes consensus, if possible ➤ Be prepared to spend time coming to final agreement
<p><u>Compromise</u></p> <ul style="list-style-type: none"> ➤ Half way between goal and relationship oriented ➤ Looks for quickest solution ➤ Willing to settle on a solution that partially satisfies both parties ➤ Give up more than a compete style but less than accommodate style ➤ Addresses issues but not too much depth ➤ Splitting differences, exchanging concessions or seeking a quick middle-ground position. 	<ul style="list-style-type: none"> ➤ Do your homework and know what you are willing to give up ➤ Be prepared to settle quickly, but do not rush if opportunity exists. ➤ May have to bring forward some issues for another day ➤ Understand what value you put on your exclusive interests (for trading purposes).

CONFLICT MANAGEMENT STYLES

Strategies for dealing with your preferred style

These are tips to use when using your preferred conflict handling style. These tips can assist you when the objective is to have a collaborative discussion, regardless of which role you may play – either as leader or as a party to a conflict. If one of the following is your preferred style, you may want to consider this...

1. Compete:

- The meeting should take place in a neutral place if possible.
- Avoid resorting to power when asserting your perspective.
- Look for mutually satisfactory solutions.
- Listen attentively for the other person's needs.

2. Avoid:

- Your first challenge may be to schedule/attend the meeting.
- Identify the benefits of such a meeting both for you and for the member/employee.
- Openly communicate your issues and your needs.
- Consider the meeting as a learning opportunity.

3. Accommodate:

- An effective and wise conflict resolution conversation requires honesty and assertiveness.
- Carefully consider your own needs and those of the member/employee, as well as those of the organization before yielding to the other's point of view.
- Identify what is really important for you and consider reasonable risks.
- Allow yourself time before making a decision.

4. Compromise:

- View the meeting as an opportunity to meet a greater number of needs than usual.
- Stay open to a range of options.
- Remember that compromise sometimes is neither possible nor desirable.

5. Collaborate:

Sheet #12-c

- Interest-based communication techniques are effective.
- Collaboration does not mean that you need to back away from matters that are important to you.
- A productive dialogue consists of two-way communication.

CONFLICT MANAGEMENT STYLES

When each Conflict Style may be used and overused

1. Compete

- Quick decisive action is vital – e.g. emergencies
- Important issues where unpopular courses of action need implementing – e.g. cost cutting
- Vital issues where you know you're right
- Protect yourself against people who take advantage of noncompetitive behavior

Problems with overuse:

- Can lead to lack of feedback/input, as people may feel that offering feedback is useless or feel uncomfortable with your style.
- Reduced learning, as people may be afraid to admit they don't know something and therefore lose the opportunity to develop.
- People may feel less empowered because they feel that they can't take risks without your approval.

2. Accommodate

- When you realize that you are wrong
- When the issue is much more important to the other person
- To build a relationship for later issues which are important to you
- When continued competition would only damage your cause
- When persevering harmony is especially important
- To aid the development of participants by allowing them to experiment and learn from their own mistakes

Problems with overuse:

- Your ideas get little attention as others may lose sight of your needs and opinions.
- Can lead to reduced credibility as you are not seen as someone who stands up for yourself.
- Loss of contribution as your ideas are not expressed.
- Anarchy, as people may feel that they can do what they want.

Sheet #12-d

3. Avoid

- When an issue is not important to you
- When you perceive no chance of satisfying your concerns
- When the potential damage of confronting a conflict outweighs the benefits of its resolution
- To let people cool down
- When gathering more information outweighs the advantages of an immediate decision
- When others can resolve the conflict more effectively
- When the issues seem symptomatic of another more basic issue

Problems with overuse:

- Lack of your input deprives the organization of your contributions, which can cause unnecessary stress and job dissatisfaction.
- Decisions made are not always in the best interest of the organization.
- Issues may become more complicated than necessary.

4. Compromise

- When goals are moderately important, but not worth the disruption of more assertive modes
- When two opponents with equal power are strongly committed to mutually exclusive goals e.g. collective bargaining
- To achieve temporary settlements to complex issues
- To arrive at expedient solutions under time pressure
- As a backup mode when collaborating or competition fails to be successful

Problems with overuse:

- May sacrifice long-term goals for quick-fix solution.
- You are viewed as someone who can't stick to any values and principles; lack of trust.
- May create an "anything for a price" viewpoint in the workplace; cynical climate.

Sheet #12-d

5. Collaborate

- When both sets of concerns are too important to be compromised
- When your objective is to learn e.g. testing your own assumptions
- To merge insights from people with different perspectives
- To gain commitment by incorporating other's concerns
- To work through hard feelings interfering with interpersonal relationships

Problems with overuse:

- Too much time spent on trivial matters.
- May be a way for people to avoid being accountable and taking responsibility.
- Others may take advantage of your collaborative efforts to meet their own needs.
- May be difficult to say "no" to others.

PERSONAL COMMUNICATION STYLE AND CONFLICT MANAGEMENT

Individuals whose communication style is **analytical** have a tendency to avoid conflict. This attitude means they prefer, as much as possible, to remain outside of or withdraw from conflict situations, in order to avoid any form of confrontation. Sometimes, an individual's withdrawal prevents the conflict from escalating or forces the parties involved to resolve the situation themselves. In conflict situations where the individuals cannot avoid becoming involved, even if only indirectly, their attempts to intervene take place on a purely rational level: their sole purpose is to try to bring both parties to listen to reason. When conflict is inevitable, these individuals are capable of demonstrating remarkable patience, even if they have to suppress their reactions and personal feelings in the process.

Individuals whose style is **directive** perceive conflict as a battle of adversaries where there is a winner and a loser. Their attitude towards conflict means that they will do anything in their power to win the battle. Alternatively, these individuals may quickly propose a compromise when it becomes obvious that their chances of winning are slim. When these individuals intervene in conflicts between two people, their involvement is on an authoritative level, and they become arbitrators in the conflict. Analysis of the situation allows them to determine who is right and who is wrong or to demand that the parties in conflict reach a compromise. These individuals are relatively comfortable in instrumental conflicts where a specific outcome is being sought (i.e. clarification of roles, restatement of goals, etc.).

Individuals whose style is **amiable** value harmony, and will invest a lot of energy in resolving interpersonal conflicts. Their attitude towards conflict brings them to analyse their own reactions and to try to understand the reactions of others. In conflict situations, these individuals have a natural tendency to be active listeners and don't hesitate to make concessions. When these individuals intervene in conflicts between two or more people, they allow both parties to express their differences, emphasising understanding and seeking to find a solution that is suitable to all parties.

Individuals whose style is **expressive**, because of their versatility, present different reactions to conflict. In the case of interpersonal conflicts, their reaction, which varies according to their mood, can range from winning at all costs, surrendering or trying to negotiate a win-win solution. The same is true of conflicts in which they are only indirectly involved. Once these individuals decide to become involved in resolving a conflict between two or more people, they try to promote integration of the different views, and their creativity allows them to come up with original solutions. In all cases, the individual whose style is expressive relies strongly on verbal skills and the power of persuasion to resolve conflicts.

Sheet #14

Diffusing Defensiveness

The following table shows behavioral characteristics of supportive and defensive climates.

Likely to create DEFENSIVE climates	Likely to create SUPPORTIVE climates
1. Evaluation You judge the situation rather than describe it. "This is wrong, you did..."	1. Description You describe what is going on (the facts) rather than evaluate. "I have noticed that..."
2. Neutrality You do not get involved. You tend to take the attitude of "whatever" rather than involve yourself emotionally and physically.	2. Empathy You get involved in the situation. You try to understand the other person's feelings, see the other person's vision.
3. Focus on the Past You focus mainly on describing, interpreting and assessing what happened, what didn't work, and why. (This can feel to the other person that you are assigning blame.)	3. Frame conversation in future You talk about "how something might be done in the future" which is more likely to be received constructively as a collaborative, coaching conversation. The future is where you want the behavior to change.
4. Dictate the Solution You have the answer and they need to accept it. "It's my way or the highway!"	4. Brainstorm Possibilities... You are open to different options and encourage the other to actively participate in finding a solution: "How could we do this differently next time?" "What are the possibilities for ...?" "What do you think would work better in future?"
5. Refute excuses You debate the legitimacy of their reasons.	5. Handle excuses by moving on... You don't agree with the excuse as this may let them off the hook. You don't disagree as this might provoke defensiveness. So instead, you: 1) listen attentively, allow them to make their point, and reflect your understanding (without agreeing or disagreeing); 2) then shift the conversation to what they (and you) might do in the future to handle the situation differently. "I see that you had a lot on your plate while working on this. What can we do next time to ensure you are able to dedicate the time necessary to complete this task?"
6. Focus on the negative You highlight all the things that they did wrong. You concentrate solely on what needs to be	6. Acknowledgement You acknowledge the person's strengths and contributions. Criticism is hard to accept if our

Sheet #14

improved.	contributions/strengths are not also recognized. The more confident we are about our strengths, the more our performance is likely to improve.
7. Blaming You see them as the problem and you let them know that.	7. Share responsibility appropriately You acknowledge your own contribution to the problem. "I may not have been clear about..." This will encourage the person to take responsibility for their contribution.
8. Isolating You emphasize how others seem able to perform better. Why is it so hard for this person?	8. Normalizing You share relevant examples of mistakes you have made to normalize that none of us are perfect and getting feedback is how we learn. This also builds trust and models the behaviour of accepting responsibility that you want to encourage.

Scenario Green/Smith – Person A

Role Play – Scenario – Person A

Scenario:

You are Superintendent Green. You have noticed that for the 2nd day in a row BSO Smith is not properly tooled up. BSO Smith is not wearing the issued radio. You had noticed yesterday, half way through the shift that BSO Smith was not wearing the radio and had asked him to put it on in passing. When you did that, you thought you heard him mutter under his breath that they don't work anyway. But you were in a hurry to get to a meeting and didn't have time to talk to him about it.

You intended to talk with him today about it, but then you noticed that again, 1 hour into his shift, he was not wearing his radio. You feel your heart quicken and your chest is tight. You are getting upset. BSO Smith is known for doing things like this. He will take issue with something and then outwardly complain about it and protest by refusing to follow direction in matters related to his complaint. You sense that this will be a volatile confrontation.

Impact:

First and foremost you are concerned about safety. As unreliable as the radios can be sometimes, if there is ever a need for assistance by other officers or himself, the radio could be a lifesaving tool. Secondly, BSO Smith's open defiance to management direction is concerning. You find yourself wondering if you were to give BSO Smith direction if he would listen and comply or argue with you about it. You feel uncertain how to talk to him because you don't know how he will react. You are especially concerned about speaking to him in front of public, as you are worried he may be argumentative and cause a scene.

Needs, Expectations etc.:

You need BSO Smith to be a team player. Even if he disagrees with the direction or is unhappy with the equipment, you need him to comply with management's direction until other solutions are implemented. You expect BSO Smith to wear his radio on shift. You also need BSO Smith to understand that his behaviour is unacceptable. Another situation like this and you may need to follow through with a disciplinary action.

Solutions:

You are willing to write a briefing note to your superiors about the condition of the radios and advocate for a replacement, but you don't have a lot of time to write one or know a lot about other radio options. BSO Smith needs to wear his radio. You are considering a note to file.

Scenario Green/Smith – Person A

Step 1 – Set the tone & introduce the conversation

Step 2 - Inquire & Acknowledge

Step 3 – Share

Step 4 – Clarify

Step 5 – Problem Solve

Step 6 – Agreement

Scenario Green/Smith – Person B

Role Play – Scenario – Person B

Scenario:

You are BSO Smith. Lately you've noticed that Supt Green is giving you a lot of unnecessary attention. She always seems to be pointing out something you're doing wrong, even when you're doing what you're supposed to be doing! You're pretty sure she's just on a power trip. Ever since she became a Sup 3 months ago you've noticed that she's treated you differently. You and her have never been best of buds or anything, but at least when she was just a BSO like you, you could talk with her. Now it seems like the only interactions you have with her is when she's barking orders at you. "Get your radio on!" was the latest order yesterday. You had just taken your radio off because you were headed out on a break and the latest direction was that you're not supposed to have your tools and radio on when you go out to the food court. But even if you were out of dress and needed to get your radio on, she shouldn't speak to you that way. Talk about un-professional! The stupid radios rarely work anyway. Talk about a safety issue! If anything ever happens, good luck contacting anyone in the office from the floor. You've mentioned the radio issue to every Sup multiple times and still nothing's changed. You've even done the research! You took the time to find out how much CBSA is paying for the current radio contract and have found a couple of similarly priced options of radios with far superior capability that other enforcement agencies use. At least one option is already used by another Federal Department, so it should be fairly simple to procure the contract. You sent the info to one of the other Sups but they haven't even responded. They obviously don't care. You've made the off-handed comment a couple of times to other BSO's that you all should just not wear the radios because they're useless anyway. Maybe if everyone took a stand then maybe management would do something about getting equipment that worked. However, it's just talk. You know you could get in trouble if you did something like that.

Impact:

You are really annoyed with Supt Green. The constant attention you've been getting from her makes you think she's trying to make an example out of you and you're almost wondering if it constitutes harassment. She doesn't really interact with you except to tell you what to do or criticize you. You feel targeted. Even after you leave work, you find yourself thinking about Supt Green and your interactions with her. You dread the shifts where she's the Sup in charge. The fact that no one seems to be taking your concerns about the radios seriously also frustrates you. You find it hard to want to go the extra mile and do a good job when your employer doesn't seem to care if you have effective equipment or not. Lately you find yourself looking at the jobs website more and more frequently and wonder if now might not be the best time to jump ship and find something else while you're still young.

Needs, Expectations etc.:

Your needs are simple, you want to feel like your Supt is looking out for you, not just the organization. Secondly, you expect that managers should acknowledge good work and the work that needs improvement; not just talk to their BSOs when they've done something wrong. It would be nice if Supt Green would acknowledge she was out of line in the way she spoke to you yesterday.

Solutions:

Scenario Green/Smith – Person B

Apology/Acknowledgement from Supt Green. You have no issue wearing your radio.

Step 1 – Set the tone & introduce the conversation

Step 2 - Inquire & Acknowledge

Step 3 – Share

Step 4 – Clarify

Step 5 – Problem Solve

Step 6 – Agreement

Scenario Red/Blue – Person A

Role Play – Scenario – Person A

Scenario:

You are Supt Red. You've noticed that the past two days, BSO Blue has been late coming onto shift. Both days he crept into the shift briefing room halfway through the shift brief obviously hoping no one noticed him. You need to talk with him about punctuality and decide to ask him to meet with you.

Impact:

It looks bad to your chief and the other BSOs when one person continually shows up late and nothing happens. You've already noticed other BSOs making jokes about giving BSO Blue timings that are 10 min early for meetings so that he'll actually be on time for them. Showing up late also impacts the earlier shift. If BSO Blue shows up late, another BSO from the earlier shift has to stay late and cover until he shows.

Needs, Expectations etc.:

You need BSO Blue to be on his shift on time. And on time means arriving at least 15 min before shift start so he can tool up and be ready to start at 0800. You also expect BSO Blue to communicate as soon as possible if something has come up and he is going to be late. If you know he's going to be late, you at least have some forewarning you can work with. Lastly, the Code of Conduct clearly states the criteria for showing up for shift on time and the steps to take if you're going to be late or if you fail to show on time. BSO Blue may need to be reminded of the possible consequences if this behaviour should continue.

Solutions:

BSO Blue commit to showing up on time. Conduct a disciplinary process. Request an accommodated work schedule if personal factors prevent him from getting in to work on time.

Scenario Red/Blue – Person B

Role Play – Scenario – Person B

Scenario:

You are BSO Blue. You are concerned about work because you have been late the past two days and today after the shift briefing was done, Supt Red approached you and asked you to come see him when you have a break in travellers. The reason you've been struggling lately is because your ex recently moved in with her new boyfriend across town and the kids are now going to a school out that way as well. So on days when you have the kids, you have to drive all the way across town during rush hour and then back to the airport. You can't leave any earlier because the daycare only opens at 7, so by the time you drop off the kids and get to work you are just making it to the office with a few minutes to spare.

Impact:

You are feeling really stressed. You don't really want to talk about your personal problems with your boss but you don't know what you can do to get to work on time. You've never had any issues at work before, but you are worried that the late appearances could result in discipline. You can't afford a suspension as money is already really tight.

Needs, Expectations etc.:

You are hoping your employer can be understanding of your situation and give you some leniency.

Solutions:

You're really not sure. Could some kind of exception be made to allow for you to start later on days when you have the kids?

Scenario White/Brown – Person A

Role Play – Scenario – Person A

Scenario: Leave

You are Supt White. You are about to have a difficult conversation with BSO Brown. He submitted a leave request about two weeks ago for one of the busiest weekends of the year. And since it is Canada's 150th birthday, it is anticipated that the long weekend will have a record high number of travellers this year. While he did have BSO Reed to cover him, it turns out that a month ago BSO Reed had put his name forward for deployment to Emerson should the need arise with the influx of asylum seekers crossing the border irregularly. Just this morning you got notified that BSO Reed was selected and is expected in Emerson by the end of the week; just before July long weekend. Your attitude is that you'd rather go the extra mile for your staff and you prefer to be able to say yes than no for leave requests, but you may be out of luck on this one. You have gone through the entire list of staff trying to find someone else to fill in the leave request, but no one is available. You have even staffed up a request to the Director to see if you can bring in someone from a different Port, but your request was denied. At this point you're left with no other option but to deny BSO Brown's leave for the weekend. You're not sure what the request was for, but it was only submitted 2 weeks ago, so surely BSO Brown would understand if it was denied.

Impact:

If you were to approve BSO Brown's leave the operation would be at risk. Given the expected high traffic volume for the weekend it is likely there won't be enough staff even with the full schedule. Not to mention you have no one available on standby should someone call in sick or have to leave suddenly.

Needs, Expectations etc.:

You need BSO Brown to understand where you're coming from and why you have to make this decision. You also expect that requests for leave, especially on such a busy weekend are submitted earlier so that there is more time to figure something out.

Solutions:

Deny the leave. Depending on what the leave is for there may be other options, but you're still unsure about that.

Scenario White/Brown – Person A

Step 1 – Set the tone & introduce the conversation

Step 2 - Inquire & Acknowledge

Step 3 – Share

Step 4 – Clarify

Step 5 – Problem Solve

Step 6 – Agreement

Scenario White/Brown – Person B

Role Play – Scenario – Person B

Scenario: Leave

You are BSO Brown. You are about to meet with Supt White to discuss your leave request for the July Long weekend. You are hopeful that it will be approved. After all, you did confirm with BSO Reed that he could take your 2 shifts (Saturday & Sunday) that weekend about two weeks ago. You submitted your request a bit late, and the airport is short-staffed, but you think it should be ok. The reason for the request is to attend your son's football tournament. His team made nationals this year and it's a pretty big deal. You've had to miss other big games before so you're determined to be there for this one. Luckily the tournament is in town, so you don't have to go far to make the games.

Impact:

If your leave were to be denied you would be shell struck. You want to show your support for your son and be there for this major event. Your son would be devastated if you weren't there.

Needs, Expectations etc.:

You understand that you work for a 24/7 operation and that sometimes sacrifices have to be made. However, you expect that your employer would show some compassion for a major life event like this and try very hard to make something work out. Maybe even bend some rules or make some exceptions because of the extenuating circumstances.

Solutions:

You would be ok if not all your leave was granted, but you want to be able to at least make one round robin game and definitely the finals games on the Sunday. You would be willing to work extra overtime or extend your shifts if necessary to make this work. If leave is denied you would consider submitting a grievance.

Scenario White/Brown – Person B

Step 1 – Set the tone & introduce the conversation

Step 2 - Inquire & Acknowledge

Step 3 – Share

Step 4 – Clarify

Step 5 – Problem Solve

Step 6 – Agreement

Leading at the Frontline
ICMS (Difficult Conversations / Effective Feedback)

January 2018

Scenario White/Brown – Person B

Leading at the Frontline

Hour	Day 1	Day 2	Day 3	Day 4	Day 5
8:00 – 12:00	Opening & Introductions Objective of the Workshop Format of the Sessions Leadership Profile & Strategic Thinking	(Recap Day 1) Professional Standards & Investigations	(Recap Day 2) Labour Relations	(Recap Day 3) Leadership Conversations	Considerations for Effective Leadership Closing Observations
Lunch					
1:00 – 4:00	Strategic Thinking & Coaching	Professional Standards & Investigations	Labour Relations	Effective Feedback	

Note: The timing of the morning and afternoon breaks will be scheduled and agreed to by the workshop facilitator and the individual speakers.



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Leading at the Frontline – Leadership, Strategy and Coaching

Module 1

L1102-N

Version: January 2018

Participant Guide

Training and Development Directorate

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Leading at the Frontline – Leadership, Strategy and Coaching

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Before you Begin

Introduction

The Leading at the Frontline workshop has been prepared in recognition of the importance of people management within the Canada Border Services Agency. More specifically, a frontline management team with the right skills is of paramount importance. It is apparent that for the workforce to meet the business priorities that are set out by the Agency, the organization requires a strong first-level supervisory and management group to lead the frontline officers.

Format of the Session

Over the course of the week there are a series of guest speakers who are specialists in their given areas. Each will be delivering a day-long session which will allow you to complete activities and to ask relevant questions.

This workshop will include the following topics:

- Strategic Thinking & Planning
- Professional Standards and Investigations
- Informal Conflict Management System – Having Difficult Discussions
- Considerations in Effective Leadership

Expectations

It is important to recognize the areas of interest and the expectations of the workshop participants. On a sheet of paper complete one of the following statements to be shared with the group.

- I'm looking for information about
- I am interested in learning about
- This workshop would be helpful if.....



Unit 1 – Leadership Competencies

Learning objectives

At the end of this module, you will be able to:

- Identify the CBSA's Leaders' Profiles
- Establish expected behaviours, development options, and anticipated results for each leadership competency.

1.2 CBSA Leadership Competencies

You just identified what leading means to you but are you aware that there are a series of leader's profiles that focus on the six key leadership competencies?

The Agency has been the first to develop a series of Leaders' Behaviour Profiles from the six key Leaders' Competencies outlined below. These profiles transform each competency into tangible, everyday actions for each role or level, and can assist you with your career planning and development. Learn how you can benefit by reviewing the profile under the category that applies to you.

Leadership Competencies

The following key leadership competencies have been used to create leader's profiles.

- Create Vision and Strategy
- Mobilize People
- Uphold Integrity and Respect
- Collaborate with Partners and Stakeholders
- Promote Innovation and Guide Change
- Achieve Results

With the other members of your assigned group you will be looking at the leadership competencies and the leaders' profiles. Specifically you will be examining your assigned competency for the following:

1. The Expected Behaviours for that competency;
2. Development options that might be considered to build that competency; and
3. Results

Capture your results on the respective table that follows.



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Key competency Table 1 Create Vision & Strategy	
Expected Behaviours (What behaviours will the leader display?)	
Development Options	
Results	



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Key competency Mobilize People		Table 2
Expected Behaviours (What behaviours will the leader display?)		
Development Options		
Results		



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Key competency Table 3 Uphold Integrity and Respect	
Expected Behaviours (What behaviours will the leader display?)	
Development Options	
Results	



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Key competency Collaborate with Partners and Stakeholders		Table 4
Expected Behaviours (What behaviours will the leader display?)		
Development Options		
Results		



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Key competency Table 5 Promote Innovation and Guide Change	
Expected Behaviours (What behaviours will the leader display?)	
Development Options	
Results	



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Key competency Achieve Results		Table 6
Expected Behaviours (What behaviours will the leader display?)		
Development Options		
Results		



Unit 2 - Strategic thinking and planning

Learning Objectives

At the end of this module, you will be able to:

- Create a strategic plan
- Identify financial and human resource requirements
- Establish performance measures to measure success

2.1 What is strategic thinking?

The Treasury Board Secretariat defines strategic thinking as “innovating through **analysis** and **ideas**.”

The following effective behaviours demonstrate strategic thinking at the manager level:

Analysis

- Develops the unit’s direction, based on a thorough understanding of the functional area and the broader context within the organization and public service
- Pays attention to changing division priorities and analyzes their impact on the unit’s work plans
- Seeks clarification and direction from the Director, as required
- Manages multiple projects and uses knowledge of each to form a comprehensive perspective
- Identifies connections and interdependencies among unit projects
- Analyzes setbacks and seeks honest feedback to learn from mistakes

Ideas

- Translates the division’s direction into concrete unit work activities
- Designs solutions to operational problems
- Encourages and incorporates diverse and creative initiatives and perspectives
- Redesigns the unit’s work activities to meet changing needs
- Makes effective recommendations to the Director
- Considers the people components of issues and decisions



- Teaches and learns from others

Like all other managers, you routinely encounter complex situations, difficult problems, and challenging decisions. Your job is to deal with these situations as best you can by using the information you have. In an ideal world, you would have access to all the information you need to navigate through these challenges. Unavoidably, however, you have only a limited amount of information to work with. And because you sit in a particular part of your organization, you have a limited view of the forces that lie outside your sphere of influence.

Strategic thinking helps you overcome these limitations.

2.1.1 Characteristics of a strategic thinker

You can improve your ability to think strategically by forming habits that will make the process easier. Some of these habits include:

- Avoiding knee-jerk reactions: don't act until you have all of the facts
- Allowing your creativity to come through in your thoughts and actions
- Trusting in your intuition and “gut” feelings
- Being willing to take a chance and accept a new point of view
- Connecting with others, valuing their perspectives and listening well
- Broadening your knowledge of all areas related to the topic
- Tracking your thought process so you can measure effectiveness and areas for improvement

2.2 Planning

Planning is one of the essentials of modern life. We all plan in our personal lives. For example, we plan holidays, careers and the acquisition of assets (e.g. cars, consumer goods, houses). Some of this type of planning can be as informal as simply “working things out in our heads.” But however we do it, planning is essentially the “organisation of a series of actions to achieve a specified outcome.”

In work environments, we typically refer to planning as “business planning” and adopt a much more systematic, disciplined approach. We plan projects, plan and develop new products and services, new initiatives and programs. We also draw up plans for change, for doing things differently and for doing things better. We discuss, draft and



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then implement short-, medium- and long-term plans as to where, organizationally, we want to get to and what we want to achieve.

Planning will take many different forms depending on your position and work environment, but all of them will put your strategic thinking skills to the test.

2.2.1 Planning process overview

Every planning process goes through a series of stages. These stages can differ slightly depending on the planning model used. At the CBSA, all planning activities essentially follow the steps below:

1. Determine your objectives and key activities
2. Conduct an environmental scan
3. Analyze gaps and risks
4. Set priorities
5. Plan financial resources
6. Plan human resources
7. Establish performance measures
8. Monitor and Report

Each of these steps in the process allow managers to examine the environment in which they work, to focus on the crucial issues and challenges and find solutions to enhance performance.



2.3 Determine your objectives and key activities

Determining what your objectives and your key activities are is the first step in any planning process. Before looking outside at your environment, you need to know your *raison d'être*. What have you or your unit been tasked to do?

At this stage, you may or may not know your key activities. If you are developing an annual work plan, your key activities will support your objectives for the year, usually outlined in your Performance Management Agreement (PMA). These are the activities that you will carry out as part of your day-to-day operations in support of the Agency's strategic objectives. For other types of plans, your key activities may become clearer as you go through the process.

When determining your objectives and key activities, ask yourself:

- What are the Agency's strategic objectives?
- How do my objectives and activities help achieve the Agency's objectives?
- Are there other initiatives in the Agency, branch or directorate that affect my unit or this particular project?
- If yes, what activities is my section responsible for?
- Do I need to talk to my boss to clarify any of my activities and objectives?
- What are the expected outcomes of my section's key activities?

It is good practice to consult others during the planning process. A colleague, manager, and/or subject matter expert can provide you with valuable information, can verify what you think you know and guide you to additional resources. For example, when determining your objectives and key activities, consulting others can help you determine what initiatives already exist that might affect your unit or your project. By collaborating with others early on, you are better able to avoid redundancy as you put your plan into action.

Developing objectives

Whether your objectives are consistent year to year, assigned to you by your boss or developed by you, make sure they are SMART – specific, measurable, attainable, relevant, and trackable/time-bound.

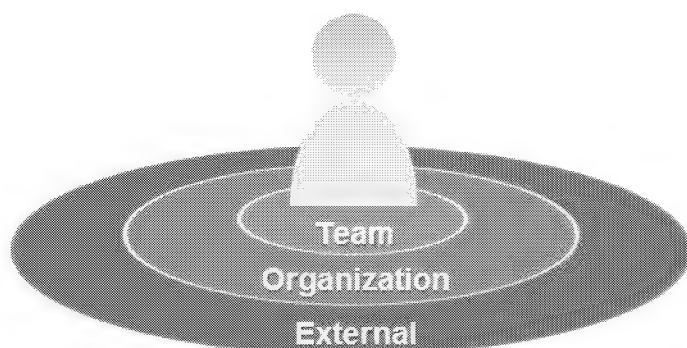
For example, one Human Resources (HR) Branch task force charged with buying a new system for managing personnel data defined the following SMART objective:



Example of SMART objective	SMART criteria
To recommend...	Attainable
...at the June...	Trackable and time-bound
...HR Branch Management Committee meeting, the three	Specific
...systems that are the most user-friendly and offer the most options for the cost outlined in the project budget or less.	Relevant and measurable

2.4 Conduct an environmental scan

Conducting an environmental scan (e-scan) is about seeing the big picture. The end result of your e-scan is to be aware of the factors that may affect the achievement of your objectives.



This image above shows the various layers of your environment that you need to be aware of, examine and consider before you make plans, set priorities or make decisions. Your **team** comprises the people and financial resources that you manage. Your **organization** includes your division or district, your directorate or region, your branch, and the Agency as a whole. Your **external environment** is what's going on outside your organization. Your job function and the type of strategic planning you're doing will determine how much you'll need to make scanning your external environment a priority.

Your team

The following are some factors related to your team to think about in your environmental scan:

- Your people
 - Knowledge



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- Backgrounds
- Education
- Credentials
- Contacts
- Reputations
- Skills
- Needs and concerns
- Interests
- Budget
- Number of human resources and their position type (permanent, part-time, etc.)
- Upcoming vacancies (e.g. retirement, leave, secondments)
- Technology available to you
- Equipment
- Location
- Information you are privy to
- Power of influence

Your organization

The following are some factors related to your organization to think about in your environmental scan:

- Mandate, mission, vision
- Strategic goals, priorities and objectives
 - Will the plan you're considering help your organization carry out its strategic goals? Or will your plan make it more difficult?
- Culture
 - How will your plan be received?
- Stakeholders
 - Who will be affected by your plan?
 - Who will support or oppose your plan?
 - Whose help will you require?
- Budget and process for obtaining funding
- Communication methods
- Technology
- Infrastructure
- Geography
- Organizational structure
- Expertise available



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- Business processes
- Upcoming changes to programs, leadership, funding, etc.

Your external environment

The following are some factors related to your external environment to think about in your environmental scan:

- Clients (Canadians, visitors, immigrants, refugees, carriers, importers)
 - Expectations
 - Values
 - Needs (now and in the future)
 - Perceptions
- Media
 - Current media perception of the CBSA
 - Media impacts of your plan, if applicable
- Industry trends
- Legislation, regulations and policy
- Agency partners and partnership possibilities
- Other government departments
 - Has what you're planning been done by another government department before?
 - Is there a possibility of sharing?
- Existing and new technology
- Economic environment
- Political environment
- Issues/problems facing the CBSA or that the CBSA has resolved

If your plan is for a particular project or initiative, you will also need to examine the project itself: the documentation, background, budget, etc.

As you navigate your environment, keep in mind the following questions:

- Is your planned objective or activity in line with the strategies and objectives of your organization?
- What factors in your environment will help you achieve your objectives?
- What factors in your environment may prevent you from achieving your objectives?



2.4.1 Tips for conducting an environmental scan

Here are simple rules for a successful environmental scan:

- Distinguish between where your organization is today and where it could be in the future
- Be specific
- Keep it short and simple
- Try to find relationships, patterns and trends

Example of seeing relationships: By serving on a committee of managers from various parts of your organization, you learn that the IT group is proposing to install an enterprise resource planning (ERP) system that links software applications throughout your organization. But your group has just decided to adopt a stand-alone client database. You realize that your group and IT will be working at cross-purposes if both plans move forward. You conclude that it would be better to hold off installing your stand-alone database until you know more about whether the ERP project will be approved.

2.4.2 Strategies for conducting an e-scan

Team:

- Meet regularly with your team
- Communicate your expectations
- Seek their feedback whenever possible
- Use the performance management cycle
- Monitor your budget and update your forecasts regularly

Organization:

- Find out where the CBSA's strategies, mission, vision, objectives, etc. are posted and read them.
- Talk with your boss about the CBSA's and your unit's strategies. Ask your boss to fill you in on planning sessions or committee meetings.
- Talk with other managers to get their perspectives.
- Observe the decisions and messages that are being communicated by senior managers in your organization (e.g. read reports, look at Web site).
- Be able to discuss your organization's and unit's strategies with others.
- Gather information from stakeholders
- Invite your stakeholders to the table
- Welcome their ideas and concerns



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- Listen carefully to your stakeholders' underlying issues
- Define the problems
- Try to address concerns that overlap multiple stakeholders

External environment:

- Read a wide range of business publications
- Talk with other informed professionals
- Participate in trade and professional associations
- Read/watch the news

2.5 Analyze gaps and risks

2.5.1 Determine gaps

A gap analysis is a tool that helps compare actual performance to potential (or expected) performance. At its core are two questions: "Where are we now?" and "Where do we want to be?" The gaps are the factors that are preventing you from achieving the potential or expected performance. Gaps are areas that can be improved or needs that must be filled.

To conduct a gap analysis, first identify the current needs and future needs of your unit or project, depending on what your plan is for. The work you have already done for the environmental scan will help you identify these needs. Consider the following CBSA example.

Where we want to be	Where we are now	Gap?
What is my objective?	What is the actual situation?	Do I have what I need to fulfill my objective?
To create a new organizational structure of ten positions, including a Training Coordinator, an AS-02 Administrative Assistant and eight marine BSOs	Currently no Training Coordinator Administrative Assistant is presently an AS-01 Staffing of eight BSO positions has not occurred	No



From this information, you can propose strategies to address the gaps.

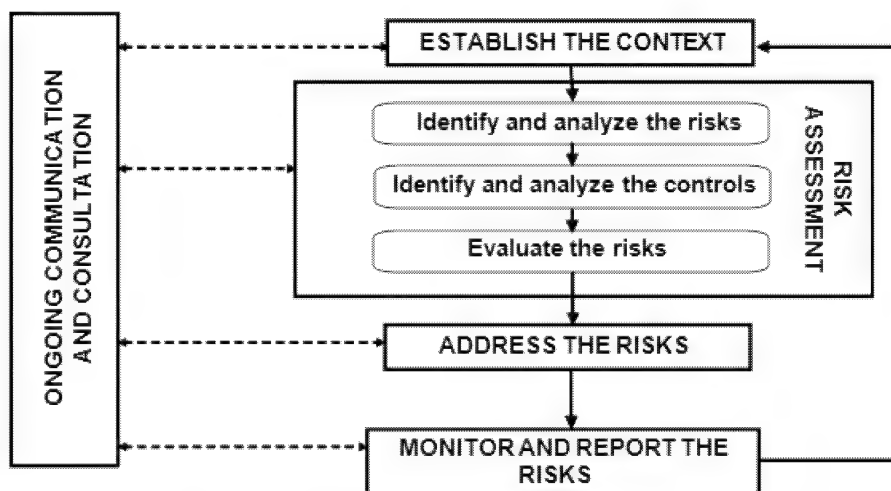
Gap	Strategy
Require a Training Coordinator but do not currently have one	Discuss hiring a Training Coordinator with Director
The Administrative Assistant needs to be promoted to the level AS-02	Recommend promotion to Director
Require eight new BSOs but staffing has not occurred	Develop and propose a staffing strategy to reorganize unit by hiring eight new BSOs and creating a unit of eight officers dedicated to marine

2.5.2 Identify risks

You are responsible for being aware of the risks facing your unit and program area. As you've seen already, risk management is one of the keys to management excellence found in the FMM Toolkit. More information can be found there and on Atlas.

In brief, risk management involves the use of a logical and systematic process for identifying, analyzing, evaluating and responding to risks that could impact the achievement of objectives. It helps support strategic and business planning. It also promotes continuous improvement, reduces shocks and unwelcome surprises and reassures stakeholders.

As a manager, you can use the CBSA's Risk Management Process to guide you through managing your risks. The process involves four main stages:





In this process, you are answering the questions:

- Based on my environmental scan, what factors in my environment might lead to risks?
- What are the risks that may prevent me from achieving my objectives?
 - Risks are formulated into a risk statement that looks like this: *Given [one or more particular drivers], there is a risk that [x will occur], with the consequences of [y].* For example: Given that weather is unpredictable, there is a risk that it will snow on Christmas Eve, with the consequences of bad driving conditions for those travelling by road.
- What would be the impacts if these risks materialized?
- What controls do I currently have in place to mitigate these risks?
- How effective are these controls?
- What is the severity of the risks? Are some higher risks than others?
- Do I need to do more to mitigate these risks? If yes, what strategies should I use to mitigate them?
- How will I monitor my risks and mitigation strategies and to whom do I need to report on them?

You can find more information on Atlas under Risk Management Toolkit. An online course on the Risk Management Process is also available for all CBSA employees. (NB: Add Course Code) It is highly recommended that you take this training.

2.5.3 Tips for addressing gaps and risks

Devise smart solutions

Seeing patterns and trends can help you generate creative, valuable solutions to problems. Solutions that work in one area may also work in another different area.

Challenge your assumptions

Challenging your beliefs about how things should be done in your organization can generate valuable new ideas. To challenge assumptions, ask questions such as "Why do we believe this process should be handled only in this way? What if we did it this other way instead?"



Welcome provocation

Be willing to entertain ideas that strike you as provocative and even downright preposterous at first. Some of these ideas may ultimately lead to new ideas that can be turned into practical value.

Gather others' perspectives

Deliberately inviting people who work in other parts of the organization to share their views of a problem or challenge can help you see that there is more than one way to perceive a situation. Whenever you meet with others to generate more options, you stand a better chance of selecting a more effective solution to a problem than if you had considered only one or two options.

Create the right environment

Have an open mind and avoid being defensive or territorial about your ideas. When brainstorming with others, create a supportive environment where people feel they can generate ideas freely, without being judged or criticized.

Avoid irrelevant information

Don't bother considering information that's unnecessary, marginally useful, or overly time-consuming to collect—even if it strikes you as interesting. Focus your information-gathering efforts on data that will help you move forward to a resolution.

Build on existing knowledge

Avoid reinventing the wheel. Instead, ask: "Have I or someone else in the organization faced a similar situation in the past? If so, how was it handled? What were the results? How might we fine-tune the solution to accommodate conditions that have changed since that earlier time?"



For example, ask other managers how they've handled delays in their groups' key processes. They may have developed solutions or strategies that you can adapt or apply directly to your own situation. They may also know something about certain steps in your process that can shed light on possible solutions.

2.6 Set priorities

Knowing how to prioritize your actions constitutes another aspect of planning and strategic thinking. In any business situation – whether it's planning for a unit or project, planning your day, making a decision or solving a problem – you can spend your time and energy in an almost infinite number of ways.

2.6.1 Establish clear, realistic timelines

In order to prioritize certain activities over others, you need to first have clear, realistic timelines for your activities.

To establish realistic timelines in a plan:

1. **Estimate the length of time each activity will take.** Create a chart or diagram depicting the time needed for each activity. Calculate the time required to carry out the entire effort.
2. **Identify activities that can't be completed until other activities are complete.** These represent potential bottlenecks in the process.
3. **Validate your estimates.** Compare them to the time required on similar efforts that have been completed. Ask colleagues or members of your team to examine the schedule and identify potential problems with it.

2.6.2 Keep your eye on the big picture

As you consider the many different tasks and steps you need to complete, you may well find yourself compiling a dauntingly long "to do" list. Take a moment to prioritize your list items based on how well they support the big picture – the objectives you are trying to achieve.

If you're planning for your whole unit, you likely have multiple objectives. Ask yourself, "Which of these are the most critical – that is, which will generate the most important results for my unit and organization? Which are more peripheral – in other words, which



don't have as much bearing on my organization's high-priority goals?"

By identifying high-priority actions, you can more easily figure out how to use your time and which tasks to focus on in what sequence. You can divide your workload into parts and determine which parts should be done today, tomorrow, next week and next month. You can also more readily identify which less strategically important actions can be delegated to members of your team—or even be left undone. . . Be sure to hold meetings to update and review regularly.

2.6.3 Making trade-offs

Prioritizing always involves making trade-offs. Applying your strategic thinking skills means assessing the trade-offs involved in selecting a particular course of action—and selecting the most appropriate trade-off.

For example, your budget for a major initiative has enough funding to cover three of the four deliverables you'd like to see the initiative provide. After talking with others in your organization, you decide which deliverable to omit.

Tips for making trade-offs

- Assess your choice's pros and cons
 - What advantages and disadvantages might be associated with that choice?
 - Consider your organization's strategic outcomes and plans
 - Which of the pros and cons are emphasized in these goals?
- Weigh short- and long-term outcomes
- Balance unit and organization needs
 - Some decisions involve trade-offs between your department or group and the organization overall
- Learn to say "No"
 - Setting boundaries is tremendously valuable because it enables you to not waste time on projects or initiatives that will jeopardize others or that will be shut down later.



2.7 Plan financial resources

2.7.1 Allocating funds and forecasting

You probably looked at your budget to some degree when conducting an environmental scan. Now is the time to take a good look at your budget. What is your financial picture? Do you have the financial resources that you need? Remember to keep your budget up to date. Your forecasts should be accurate and include any new items that may result from your planning exercise.

Think about the costs associated with what you are planning. Allocate funds to the various activities in your plan.

2.7.2 Contracting and procurement

When developing a plan for your year or for a specific initiative, you need to think ahead to any contracting or procurement needs.

You should identify current and future purchases needed for your unit to achieve its objectives. This will ensure that you obtain your required goods or services on time and will help the contracting officer obtain best value by managing your commodities.

There are four phases in the contracting process. The first two phases are the most important in planning your procurement to ensure that sufficient time is provided to allow the procurement process to be handled within the laws, rules and regulations.

- Pre-contractual phase: Planning
- Contracting phase: Bidding and awarding of contract
- Contract management phase: After the contract is awarded
- Post-contract phase: Close out, warranty and audit

Good procurement planning includes:

- Contacting the Contracting and Materiel Management Directorate at the early stages of your planning process. They will be able to review your forecasted expenditures and advise you on next steps in acquiring goods and services, such as using existing procurement vehicles and tools.
- Looking for long-term solutions and consolidated requirements to plan for the future.
- Developing a solid statement of work and determining what evaluation criteria will be used to determine the winning bidder when you do require a contract.



These practices **are to be avoided**:

- Reverse engineering approach – finding the company first and then starting the procurement process.
- After-the-Fact (ATF) contracts – goods or services are requested and/or delivered without contracting authority or above your authority according to the delegated authorities for contracting (section 41 of the *Financial Administration Act*). These cases are reported to senior management and are subject to consequences.
- Procuring without a written contract. Verbal commitments (in person or over the phone) **must** be supported by a written contract.
- Contract splitting – splitting a requirement into a number of contracts to avoid having to award the contract through competition or to avoid the trade agreements. This does not reflect the proper approval and signing authority limits. This practice contravenes Treasury Board policy.
- Employer/employee relationship – ensure that the consultant relationship is differentiated from the employee relationship (deliverables, working space, attending events, etc.).
- Former public servants – there are special rules when you want to contract with former public servants in receipt of a pension. Special approvals are required and these contracts are reported to the Minister.

2.8 Plan human resources

Through human resources planning, you identify current and future human resources needs for your unit to achieve its objectives.

Often, you may find that you don't have the ideal number of people to get the job done. Sometimes, you will be able to propose staffing strategies, whether temporary or permanent. When that's not possible, you will need to figure out how to accomplish your objectives with the people that you have. This is where the priorities you set become very important.

As you've seen in other steps, collaboration at this stage can also help you accomplish your goals. For example, another team may be able to lend you a few employees to work on a portion of your project or may be able to provide advice or information resources that would reduce your need for additional human resources.



The other important aspect of human resource planning is considering factors such as training needs, employee development and succession planning.

2.8.1 Identify your needs

In the previous planning steps, you scanned your team and your organization and likely determined HR-related drivers. Next, you probably identified HR gaps and risks and set priorities. Use this information to identify what your HR needs are.

- Do you have any immediate hiring needs in order to achieve your objectives?
- Do you foresee any skills shortages or requirements on your team due to employees leaving or new activities that have been tasked to you?
- Do you have enough qualified people on your team to fill vacancies in the event of unexpected departures?
- Do your employees require any training or development in order to achieve the objectives in the plan?
- Do you need to reorganize the workload distribution?
- Do the objectives relate to any learning or development opportunities requested by your employees?

2.8.2 Assign tasks

Once you have answered the questions above, you must assign the activities in the plan to people.

2.9 Establish performance measures

Measuring performance outcomes is key to assessing progress on core activities and priorities. In your plan, you should determine clear and straightforward performance measures.

Define expected outcomes

Include in your plan a succinct description of what your unit, project, etc. will achieve (outcome) or what it will produce (output). Depending on the type of plan, there may be only one outcome/output or many. Sometimes, several lower-level outcomes/outputs may contribute to one higher-level outcome/output.



Define key performance indicators

Key performance indicators (KPIs) are the means of measuring whether you have succeeded in achieving your expected outcome/output and to what extent. KPIs can be either quantitative or qualitative.

Quantitative indicators capture links between resources spent and results achieved. Qualitative indicators can reflect factors such as relevance of activities to clients, satisfaction of clients served, etc. Aim to develop three indicators per output or outcome.

For example, if your objective is to improve the security of a computer network, a quantitative indicator would be a reduced number of hacks per month. You can easily measure this by monitoring the number of hacks before and after the implementation of the plan.

Identify data collection sources, frequencies and responsibilities

Based on the quantitative and qualitative indicators you have defined, figure out where you get the required data from as well as how accessible and reliable it is. You must also decide when and how often you will collect data. For example, you could collect data every quarter, at year-end, etc.

Data sources can be:

- Administrative, such as:
 - Number of FTEs
 - Amount (\$) allocated to an activity
 - Waiting time at the border
- Primary, such as:
 - Surveys
 - Interviews
 - Focus groups
 - Observation
- Secondary data, such as:
 - National statistics

Keep in mind that you will likely need to commit some of your team's human resource capacity to developing performance measuring tools, collecting and analyzing data and creating reports. You need to identify who will be responsible for data collection and what method they will use.



2.10 Monitor and report

Once your plan is implemented, you need to monitor and report on your performance outcomes in order to assess your progress.

The reporting process is designed to clearly and accurately explain the extent to which intended goals and objectives were achieved and at what cost.

Reporting principles

When reporting, refer to the following principles:

Principle 1: Focus your report on how your plan benefits Canadians, explain the key points of your planning and performance measurement and set them in context.

Principle 2: Present credible, concise, reliable and balanced information.

Principle 3: Associate performance with plans, priorities, and expected results, explain any changes you made to your plan, and apply lessons learned.

Principle 4: Link resources to results and discuss the impact of changes in resources.

2.11 Implementing plans

Plans often involve the implementation of new activities that will need to be communicated to your team and other stakeholders. Communication can help secure buy-in and facilitate a smooth transition for all involved.

Exercise 1 – Planning case study

The Agency has embarked on different initiatives resulting in a strategic evolution of our organization. One such initiative is Border Modernization which you may have contributed to. Another example includes the People Strategy. At your port, you may have contributed to strategic activities of your own.

In this exercise, you will plan and present a strategic recommendation that will further enhance border management. This could be national in scope or specific to your port.

Instructions:



Leading at the Frontline – Leadership, Strategy and Coaching

1. First, your facilitator will divide you into groups. In your groups, brainstorm changes you would recommend to further the Agency's goals or those of your port.
2. Choose an idea to develop into a plan and a presentation.
3. To complete this exercise, refer to Appendix - Exercise 3 – Planning case study in this guide. Here you will populate all the information for the plan based on your modernization idea. Start with "CBSA priorities or objectives."
4. Each team will present their plan to the class.



Unit 3 – Coaching

Learning objectives

At the end of this module, you will be able to:

- Identify the different coaching styles
- Explain when to use the different coaching styles

3.1 What is coaching?

Part of performance management is coaching your employees by providing them with regular feedback.

Employee coaching is defined as a developmental activity in which an employee works one-on-one with their direct manager to improve or enhance current job performance. Coaching enables you to maintain good employee performance, motivate and foster employee growth, and improve poor performance. By coaching your employees regularly, you will find it easier to fulfill your performance management obligations.

You should take the time to coach **all** of your employees, not just those that you feel need extra help or those who are high performers.

Keep in mind, however, that coaching is not meant to replace training. You are not teaching your employees how to do their job. Rather, you are giving them performance-related feedback. Done well, coaching can turn performance management into a collaborative process that benefits everyone.



3.1.1 Styles of coaching

The way you coach an employee will depend on what the employee needs and what you need from the employee to meet your objectives. For example, some employees may want to take on new challenges, whereas others may need to improve in certain areas.

The needs of employees will influence the style of coaching that you adopt. The following are examples of coaching styles:

Positive coaching

When to use	What to do
<ul style="list-style-type: none">• Continue to motivate an employee that is performing well• Add new responsibilities to an employee's job• Help an employee develop or enhance a skill• Prepare an employee for a new assignment, project or promotion	<ul style="list-style-type: none">• Clarify your expectations for development of the employee• Define the desired behaviours and activities• Help the employee identify steps to develop and grow• Provide support and resources as needed

Corrective coaching

When to use	What to do
<ul style="list-style-type: none">• Help an employee change or improve performance• Have an employee take responsibility for change• Establish required actions, consequences and time limits	<ul style="list-style-type: none">• Focus on the situation, issue or behaviour rather than the person• Identify the unsatisfactory behaviour• Describe the impact of the behaviour• Discuss ways to improve the performance• Set an action plan and clarify accountability and consequences• Set a time limit for improvement and when you will meet again



Coaching to solve problems

When to use	What to do
<ul style="list-style-type: none"> • Work bogs down or tasks become blocked • Encourage employees to take ownership for identifying problems and solutions • Facilitate a process for working jointly on a problem where the employee takes the initiative and you act as a resource 	<ul style="list-style-type: none"> • Define the problem • Explore ideas and solutions • Test the feasibility of all solutions • Decide on the best solution • Implement the solution • Monitor and follow-up on results

Coaching to guide development

When to use	What to do
<ul style="list-style-type: none"> • Guide an employee's long-term growth and development on the job • Plan and provide for growth opportunities • Share knowledge and experience with employees 	<ul style="list-style-type: none"> • Work with the employee to identify specific leadership and management competencies to develop • Provide training for the employee • Assign the employee to special projects or committees • Serve as a resource to the employee for ideas, contacts and problem-solving • Look for potential strengths and skills of employees and identify ways to develop them

3.2 Effective Coaching Tips

The following are tips for effective coaching:

1. **Verify that the employee would like to be coached.**
Coaching an employee who is not interested is a fruitless task that can leave you and your employee frustrated. It's better to ask rather than impose.
2. **Tailor the way you coach to your employee's needs.** When you provide coaching that is not relevant to the employee, it may be of limited value and frustrating to you as well as the employee. Get to know your employees so that you can choose language appropriate for them.



3. **Make sure that the employee understands the purpose of the coaching.** If the employee does not understand the purpose or has unrealistic expectations, the message may not be properly understood.
4. **Encourage the employee to function independently.** It is important to allow employees to make their own decisions and thereby increase their autonomy. The employee should bear the main responsibility for determining what action to take.
5. **Minimize arguments.** Even one argument can put you and your employee on the defensive. Try to accept what the employee says and build on it.
6. **Make sure you follow up with your employee.** When you follow up, you are communicating your interest in the employee's development and improvement. If you fail to follow up, the employee may feel that the coaching was artificial and not that important. Consequently, they may lose interest in improving the performance at issue.
7. **Document.** Keep records of your coaching discussions (when, where, topics discussed, decisions made). If you do eventually encounter an ongoing performance problem, you need to be ready to apply the consequences. Without proper documentation of your efforts up to that point, this will not be easy.

Exercise 2 – Coaching Discussions

One of the most difficult parts of a coaching discussion is providing constructive feedback. Yet this feedback is critical to addressing issues right away and preventing bigger problems and mixed messages.

Let's practice having coaching discussions. Break into pairs and read through the feedback checklist. Then, use the example scenario provided below or think of your own scenario involving an employee or a supervisor to whom you want to give constructive feedback about a particular behaviour. If you are thinking of your own scenario, tell your partner what the scenario and behaviour are.

Give feedback to your partner as if they were the actual recipient that you chose.

- Say the words and phrases you would use
- What questions would you ask?
- What solutions would you propose?



After each of you present your feedback, critique each other by referring to the checklist. What aspects of the feedback were done well? What could be improved?

Coaching Feedback Checklist

- ☐ Be open and ready for a variety of outcomes
- ☐ Be specific - focus on a particular behaviour
- ☐ Describe the facts - what happened and what the effects were
- ☐ Relate feedback to the job, not the person
- ☐ Use "I" statements instead of "you" statements
- ☐ Avoid absolute words like "always" and "never"
- ☐ Leave out factors that are out of the recipient's control
- ☐ Use positive statements before and after negative statements
- ☐ Check understanding - for feedback to be effective, you should make sure that the recipient understands the feedback properly
- ☐ Show empathy and try to see the recipient's perspective. Use phrases like:
 - o "I can relate to your situation"
 - o "I understand where you're coming from"
 - o "How can I help you with this?"
- ☐ Ask questions
- ☐ Request rather than order the recipient to do something
- ☐ Encourage recipient to think of solutions
- ☐ When discussing a solution, make sure the recipient understands why, when and how they will do what is needed; how you and others will know that they are on track; and how you and others can help

Conclusion

Next Steps

Ensure that you review the content of this course thoroughly and see your instructor as soon as possible if you have any questions.



Appendix - Exercise 1 – Planning case study

1. Determine your objectives and key activities	
CBSA priorities or objectives or local priorities or objectives <i>Consider looking at the CBSA's Report on Plans and Priorities, the Strategic Framework or other Agency priorities or strategies.</i> <i>How does your idea support these higher-level goals?</i>	
Objectives of your idea <i>What is your idea going to?</i> <i>What is the goal?</i> <i>Your objectives should be SMART:</i> <div style="text-align: center;"> <i>Specific</i> <i>Measurable</i> <i>Attainable</i> <i>Relevant</i> <i>Trackable/Time-bound</i> </div>	
Expected outcomes <i>What is the CBSA going to look like once your idea is implemented? Take it down to a lower level (e.g. program, branch) if your idea doesn't affect the whole Agency.</i> <i>What is the end-state that you have in mind?</i>	
Key activities <i>What activities are going to be involved in making your idea happen?</i>	



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2. Conduct an environmental scan

Factors to consider

Internal drivers and external drivers that may affect the achievement of your objectives

What specific people, units, programs, etc. would you need to consult with in planning your idea?

Think about the people, budget, tools, etc. that you currently have.

What's going on elsewhere in the Agency that might impact your idea?

What's going on in the world that might impact your idea?

Who are the stakeholders? Who will help you, oppose you?

Remember: Drivers are facts or realities. For example, if you are planning to implement a project within a two-week turnaround time



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<p><i>and require VP approval, an internal driver might be the fact that obtaining VP approval in your branch takes three weeks on average.</i></p>	
3. Analyze gaps and risks	
<p>Gaps</p> <p><i>Based on your e-scan, where are you now? Based on your objectives, where do you want to be? What is required to get from one to the other? What strategies could you use to “bridge the gap”?</i></p>	
<p>Risks</p> <p><i>Based on your e-scan, what risks might prevent you from achieving your objectives? Are some more severe than others? What impacts would those risks have? Is anything currently in place to mitigate these risks? Do you need to do more? If yes, what strategies should you use?</i></p>	



4. Set priorities	
<p>Activity (with breakdown)</p> <p><i>Estimate the length of time the various activities will take.</i></p> <p><i>Identify activities that can't be completed until other activities are complete.</i></p> <p><i>Prioritize these items – keep your eye on the big picture.</i></p> <p><i>Do you need to make any trade-offs?</i></p>	
5. Plan financial resources	
<p>Costs</p> <p><i>What would this idea cost? What kind of costs would you associate with each of your key activities?</i></p>	



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<p>Contracting and procurement</p> <p><i>Are there purchases you will need to make?</i></p> <p><i>Do you need the help of external companies? If yes, you need to have a contract in place and plan for enough time to do so.</i></p>	
6. Plan human resources	
<p>Number of resources</p> <p><i>How many resources are needed to implement your idea?</i></p> <p><i>What resources do you currently have?</i></p> <p><i>Do you have enough resources? If not, do you need to re-prioritize?</i></p> <p><i>Are there resources on other teams that you could use?</i></p>	
<p>Human resource considerations</p> <p><i>Do your people need training to implement this idea?</i></p> <p><i>Could you meet any of your people's learning and development needs through this idea?</i></p>	



7. Establish performance measures	
<p>Key performance indicators</p> <p><i>Think back to your objectives. What will indicate to you whether the objective has been achieved?</i></p> <p><i>Indicators can be qualitative or quantitative, but they must be measurable.</i></p> <p><i>How will you collect the data you are using to measure performance? How often will you collect it? Is it reliable and accessible?</i></p>	
8. Monitor and Report	
<p>Securing buy-in</p> <p><i>How will you help your stakeholders adapt to the change your idea will bring?</i></p> <p><i>How will you secure their support?</i></p>	

Canada Border Services Agency / Agence des services frontaliers du Canada

Leading at the Frontline

Introduction

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Canada

Leading at the Front Line Workshop Introduction

The purpose of this workshop is to prepare the frontline supervisors and managers with the knowledge and skills needed with respect to people management.

The need to meet the CBSA's business priorities requires well informed decision-making at the first level supervisory and manager groups to lead at the frontline.

The target audience of the workshop is FB5s, and FB7s.

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Leading at the Frontline Outline

The workshop will include the following topics:

- Strategic Thinking
- Professional Standards and Investigations
- Labour Relations
- Informal Conflict Management System
- Considerations in Effective Leadership

Several topics will be led by experts in the various fields. Each session will include lectures, discussion and exercises.

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Expectations


Take a moment to complete one of the following statements:


I'm looking for information about
Or
I'm interested in learning about
Or
This workshop will be helpful if


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Housekeeping ...


 **Start / Finish**


 **Lunch Time**

 **NO Cell Phones**

 **Coffee Breaks**

 **Washrooms / Exits**

 **Phone # and Messages**

 **Reporting Requirements**

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Find your match


Task 1: Find the other half of your match.

Task 2: Interview one another with the purpose of finding out the following:

- The person's name;
- How long they have worked with the CBSA;
- Their supervisory experience;
- One interesting thing about the person;
- State what the pair is and one or two things that they have in common.


Btw.
None of the pairs have anything to do with this workshop!

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Leading at the Frontline

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What is meant by leading?

In your groups, discuss the following questions, capture on flipchart and identify a person to report in plenary.

1. What does leading or leadership mean to you?
2. What are some of the challenges that you have encountered when leading?
3. What rewards have you experienced when leading?

Privately, write down one of your strengths as a supervisor or manager.


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CBSA Leaders' Profiles

- The CBSA has created a series of Leaders' Behaviour Profiles from the six key Leader's Competencies.
- They translate each competency into tangible actions.
- There are seven leader's profiles. They range from the officer/ employee to the President and Executive Vice President.

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Leadership Competencies

- Create Vision and Strategy
- Mobilize People
- Uphold Integrity and Respect
- Collaborate with Partners and Stakeholders
- Promote Innovation and Guide Change
- Achieve Results.

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Key Competency: Create a Vision & Strategy

Expected Behaviours	<ul style="list-style-type: none"> • Generates enthusiasm and commitment to the vision of the team/unit..
Development Options	<ul style="list-style-type: none"> • Where possible replace director at a planning meeting
Results	<ul style="list-style-type: none"> • A clear & compelling vision linked to the integrated border management is created

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Leaders' Profiles & Tools

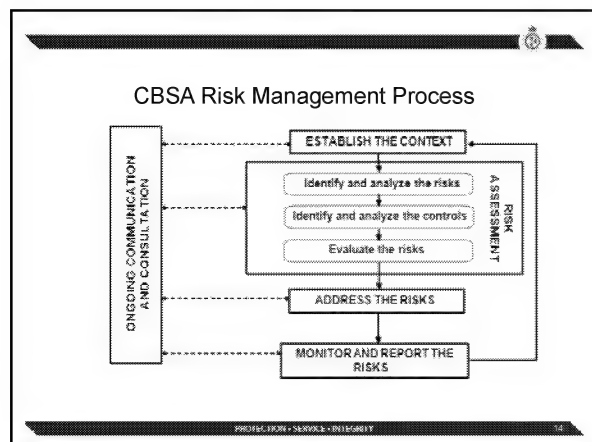
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Strategic Planning Process

1. Determine your objectives and key activities
2. Conduct an environmental scan
3. Analyze gaps and risks
4. Set priorities
5. Plan financial resources
6. Plan human resources
7. Establish performance measures
8. Monitor and report


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Coaching Styles – Positive

When to use	What to do
<ul style="list-style-type: none"> •Continue to motivate an employee that is performing well •Add new responsibilities to an employee's job •Help an employee develop or enhance a skill •Prepare an employee for a new assignment, project or promotion 	<ul style="list-style-type: none"> •Clarify your expectations for development of the employee •Define the desired behaviours and activities •Help the employee identify steps to develop and grow •Provide support and resources as needed


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Coaching Styles – Corrective

When to use	What to do
<ul style="list-style-type: none"> • Help an employee change or improve performance • Have an employee take responsibility for change • Establish required actions, consequences and time limits 	<ul style="list-style-type: none"> • Focus on the situation, issue or behaviour rather than the person • Identify the unsatisfactory behaviour • Describe the impact of the behaviour • Discuss ways to improve the performance • Set an action plan and clarify accountability and consequences • Set a time limit for improvement and when you will meet again

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Topics to Come

- Professional Standards and Investigations
- Labour Relations
- Informal Conflict Management System
- Considerations in Effective Leadership

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Initial Fact Finding Job Aid

When does an initial fact finding occur?

An initial fact finding may occur when an allegation of misconduct has been levied against an employee. Receipt of an allegation of misconduct starts the Administrative Investigation. Initial fact finding is one of the steps in this process.

STEPS

Administrative Investigations

- 1 Receipt of a complaint or allegation
- 2 Consult with Professional Standards
- 3 Analyse/Review the complaint
- 4 Conduct initial fact finding (*when instructed*)
- 5 Discuss the results with Professional Standards
- 6 Determination if incident should be closed or moved to formal investigation
- 7 Re-Assess/Reconnect with Professional Standards if circumstances change

Fact Finding is critical in determining if an allegation of misconduct has any merit and whether a formal investigation is warranted. However, it is **NOT** a formal investigation at this point.

DEFINITION

Initial Fact Finding is a collection of information relevant to an allegation of misconduct.

Misconduct is any conduct by a Canada Border Services Agency (CBSA) employee, either **ON** or **OFF** duty, that:

- breaches any criminal law, Treasury Board Secretariat (TBS) policy or procedure, including the Values and Ethics Code for the Public Sector, or CBSA policy or procedure, including the CBSA Code of Conduct, or
- adversely affects the professional reputation or image of the CBSA in any manner.

Do you know your responsibilities ?

- All Employees **SHALL** report misconduct to their Manager.
- Directors **SHALL** report misconduct to the Personnel Security and Professional Standards Division (PSPSD)
- Managers **ONLY** conduct Initial Fact Findings after being directed to by PSPSD
 PSPSD will record all incidents and provide advice to Managers on how to proceed.

Conducting the Initial Fact Finding

Tips

Preparing

- A Fact Finding can be in the form of an e-mail, a request for a report, or a face-to-face discussion
- The manager responsible for the employee must conduct the Initial Fact Finding upon the advice/direction of Professional Standards
- The manager must collect any supporting information i.e reports
- The process must be simple, fair, without bias and be completed within 10 business days.
- Before having a discussion with the employee, predetermine core Fact Finding questions in collaboration with PSPSD
- Ensure that you are familiar with the support mechanisms that are available to the employee (EAP etc...)

Having the Discussion

- Know your questions in advance
- It is recommended that employees do not take notes during a Fact Finding discussion
- Employees must initial the manager's notes after the discussion. These notes are subject to Access to Information and Privacy (ATIP)
- Advise the individual of the purpose of the discussion, obtain confirmation that the employee understands the need for full and honest answers and information is only to be shared with those who need to know.
- Simply identify the facts using these questions in chronological order:
 1. Exactly what occurred?
 2. When did it happen?
 3. Where did it happen?
 4. Who was present?
 5. Who did or said what? In what order?
 6. Who else may know relevant information?
 7. How did it happen?
 8. Why did it happen?
- Confirm that you have received all the supporting documentation and if you can contact the employee for follow up

Documentation

- ✓ Always take detailed notes including the names, dates, time and place of the discussion.
- ✓ Always date and sign all notes
- ✓ Ensure that you complete ALL sections of the **Initial Fact Finding Template**

For further direction on this process, please contact the **Personnel Security & Professional Standards Division**

References



The CBSA Professional Standards Investigation Wiki

On ATLAS

- Policy on Internal Investigations into Alleged or Suspected Employee Misconduct
- Professional Standards Investigations – Appendix A Manager's Guide to Conducting Internal Investigations



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Leading at the Frontline – Considerations in Effective Leadership

L1102-N

Version: January 2018

Participant's Guide

Training and Development Directorate



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Canada



Leading at the Frontline

The Training and Development Directorate, Canada Border Services Agency, developed based on material acquired from the Supervisor's Essentials course material. The content was revised in January 2018.

Examples and scenarios have been created using fictional names. Any resemblance to persons real, imaginary, or deceased is purely coincidental. There is no intention for examples to depict stereotyping on any basis.

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The Training and Development Directorate maintains the master version of this document.



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Unit 1: Team dynamics

Effective team work is an essential ingredient for organizational success. Successful teams contribute to the achievement of organizational objectives and are essential to the way most organizations organize and carry out their work, resulting in superior performance. The composition of teams, how they work together, how they are motivated and the quality of leadership within teams are just some of the elements that contribute to making a successful organization.

It takes great leadership to build great teams. Not surprisingly then, managers play a key role developing their team and bringing them to the point where they are working as effectively as possible toward a common goal.

1.1.1 What is teamwork?

Teamwork is the cooperative effort by the members of a group or team to achieve a common goal.

It is different from teambuilding in that teambuilding is the process of improving team performance by developing teamwork skills using any appropriate method.



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The following are the elements that need to be present for teamwork to be successful:

1. The members of the group must share a common goal or purpose.
2. The team members need to interact together in order to achieve their common goal or purpose.

What other elements must be present for a team to be effective?

1.1.2 The five stages of team development

Most experts in team development agree that teams progress through five different stages. Regardless of whether a team is working on a small, simple initiative or a large, complex national initiative, the team progresses through the five stages; there are no exceptions.

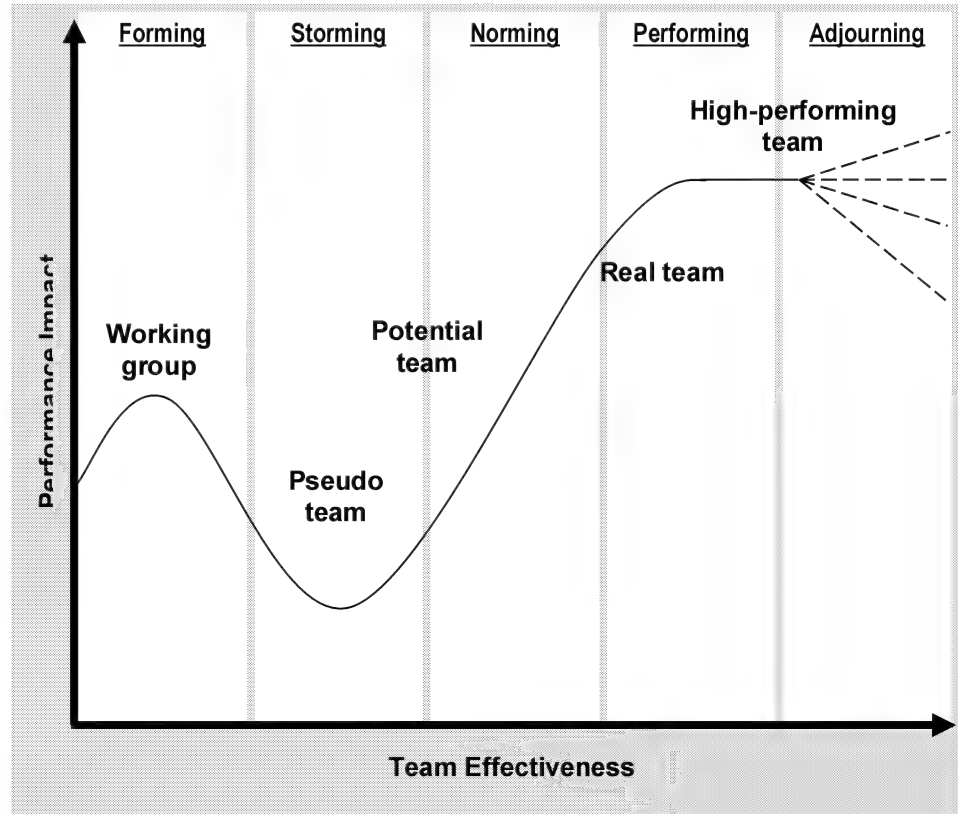
Many factors determine how quickly a team evolves towards effectiveness including: its size, geographical dispersion, frequency and duration of meetings, synergy of team types, stability of team membership, external influences and time pressures and the nature of its activities.

This process will not be a linear one. A team does not always progress from stage one through five sequentially, of their own accord, or quickly. Often the team will go back and forth or hover around some of the stages. Every time you add a new person to the team, the team will more than likely fall back a step or two.



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What is important for the manager to understand are the five stages and how to manage the team through the stages so that team members can work more effectively as a team sooner rather than later, thereby making progress on the tasks earlier.



Forming: Transition from a group of individuals to a team.

Personalities emerge! The leader needs to be prepared to answer a lot of questions about: the purpose, objectives, roles and responsibilities, etc. The leader plays a directive role during that stage.

Storming: The manager needs to demonstrate strong leadership at this level to do conflict resolution and consensus building.

Uncertainty, power struggles and emotions can be part of that stage. The leader plays a coaching role.

Norming: Collaboration, better understanding of the big picture and opinion reconciliation. Common working methods accepted and followed. Roles and responsibilities are clear. Commitment is higher. The leader plays a supporting role.

Performing: Emphasis on goal achievement instead of working methods. The team is able to perform more complex tasks, share the same vision and has a higher degree of autonomy. The leader plays a delegating role.

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Adjourning: Once the goal is reached or when the task is completed.
Opportunity for the leader to recognize team members for the success of a project completed.

Exercise 1: Team dynamics

Read the scenarios in the table below. Identify which of the five stages of teamwork corresponds to the scenario. Then, propose some strategies you could use to bring your team to the next stage.

Scenario	Stage of teamwork	Possible strategies
Your team is assigned a multi-faceted project involving almost everyone on the team. Once you've explained and delegated tasks, team members get straight to work.		
You hold a team meeting and find that most of your employees are reluctant to express their opinions. The one exception is an employee who questions each of your suggestions.		
You encounter a conflict between two team members who find it difficult to work together. You think this is because roles and responsibilities are not clearly understood by all team members.		



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Scenario	Stage of teamwork	Possible strategies
Your team completes a project efficiently with no significant conflicts. You schedule a team meeting to thank the team for their hard work.		
Your employees are willing to follow established procedures and methods. They collaborate on projects with few conflicts.		



1.1.3 Improving team performance

The role of a manager isn't always smooth sailing. Every manager wants employees to use their talents to the fullest capacity. Effective managers want to ensure their team is engaged in their work, feeling satisfied, and performing at their personal best. But for those team members who seem to be lagging behind, what can a concerned leader do to help improve employee and team performance?

Identify ways in which you have improved teamwork in your workplace.

How do you know if you have a team that is working well?

Whether you're a new or an experienced manager, understanding the stages of team development is essential for any manager trying to build an effective team.



Unit 2: The Multi-Generational Workforce

For the first time, three generations are part of our workforce. When we talk about generational differences, it is easy to fall into overly generalized stereotypes:

- Baby Boomers are responsible.
- Gen Xers are cautious.
- Gen Y / Millennials are ambitious.

No generation is one vast group of people who all behave exactly the same way and members of each generation do have traits that differentiate them – a combination of characteristics largely based on the circumstances in which each cohort came of age.

So why are we so focussed on generations in the first place? It is important to consider what motivates employees because this is the first time in history that three or more distinct generations are in the workplace simultaneously. Employers need to recognize the importance of creating work environments that understand and respect generational diversity by training managers how to manage multiple generations; training everyone on inter-generational communication; and adapting leadership development and succession planning strategies to accommodate the priorities of multiple generations. Learning about people's different identity characteristics can also be a helpful way to better interact with each other.

How might generational differences affect your relationships in the workplace? (Positive or negative)

What can you do to build strong working relationships with people of all these generations?



What are the benefits of having a multi-generational workforce?

Exercise 2: Generational differences

In the following exercise, there are multiple generations working together. Each generation has unique characteristics that vary from work ethic to perspective as shown in table 1. Working in small groups, assign the characteristics listed in the right-hand column of table 1 and place in the table 2 that follows.

Table 1 – Characteristics	
Work Ethic	Balanced, Ambitious, Driven
Outlook	Optimistic, Hopeful, Skeptical
View of Authority	Unimpressed, Relaxed/Polite, Love/Hate
Leadership Style	Competence, Achievement/Pulling together, Consensus
Perspective	Team-oriented, Self-reliant, Civic-minded

Table 2- Generation	Attributes (Work Ethic, Outlook, View of Authority, Leadership Style, Perspective)
Baby Boomers Born: 1946-1964	
Generation X Born: 1965-1980	
Generation Y Born: 1981-2000	



To manage the differences in perceptions among the generations while recognizing the cross-generational similarities in workplace preferences, managers should:

- Implement programs, policies and practices that respond to the cross-generational desires for respect, flexibility and fairness in the workplace;
- Build a culture of inclusion to address the negative stereotypes about the generations in the workplace; and
- Learn from effective practices used by other organizations.

Generational differences can both enhance and impair organizational effectiveness. On the one hand, different generations of workers bring a variety of experiences, talents, and insights that can improve an organization's capacities for innovation, productivity, and growth. On the other hand, differences in communication, problem solving, learning style, and social interaction among the generations can lead to intergenerational misunderstandings and workplace conflicts that can hinder organizational performance.

A Conference Board of Canada study indicated that negative stereotypes of the following three generations include:

- Boomers are seen as less comfortable with technology, less open to change, and less accepting of diversity than other generations;
- Generation X workers are seen as cynical, independent, and easily annoyed by any hint of being micro-managed; and
- Generation Y workers are seen by older colleagues as lazy, difficult to manage, and perpetually prepared to bolt from the organization as soon as another opportunity arises.

Managers need to be aware of these stereotypes, as each can have a negative impact on workplace performance and can lead to added friction in the workplace.



Unit 3: **Change management**

3.1.1 What is change?

Nothing generates fear, anxiety and trepidation more than change does. The reason is that change is identical to loss – it is the act of giving up the ways, processes and behaviours that we have grown attached to, often without our input or control.

As a manager, leading your team through change is critical. Everyone deals with change differently and if a change is not dealt with in a caring, supportive way, it could be very damaging to your employees.

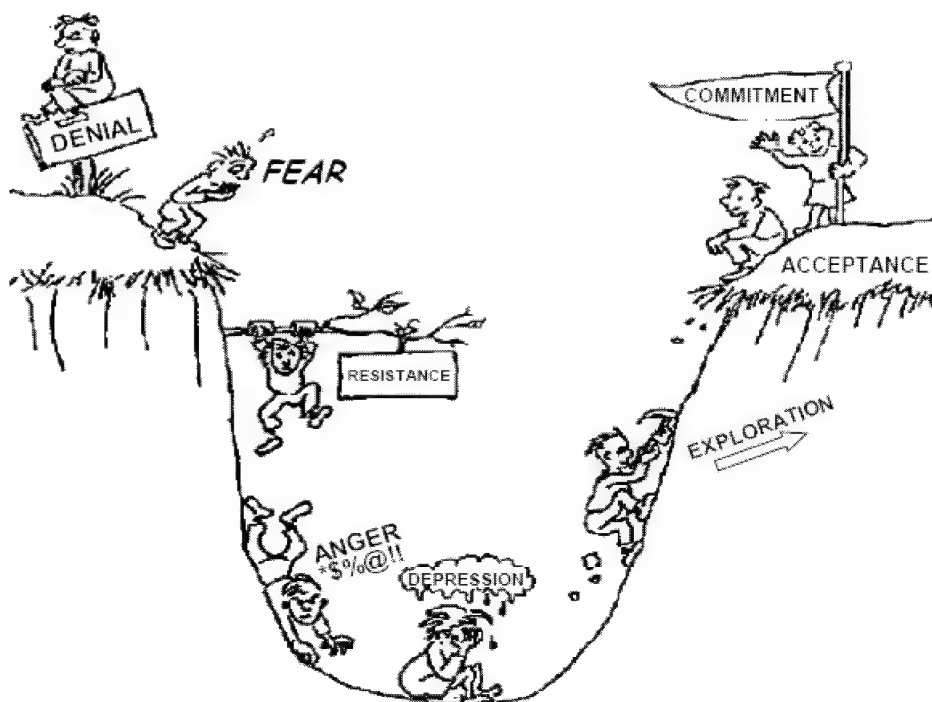
“Change” vs. “transition”

When we talk about change, we focus on the outcome it will produce. Transition is different; the focus is not the outcome but the “ending” the person will have to make in order to leave the old situation behind. Transition is an internal experience. It is the mental process people go through when trying to come to terms with a new situation.



The Change Process

Let's first look at how people move through change using the graphic shown below:



Exercise 3: Your experience with change

As a group, discuss your personal experiences with change. Use the questions below to guide your discussion.

1. Identify changes in your workplace you have encountered recently.

2. How did you react to these changes and why?



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3. Think of a change that you successfully implemented. What factors contributed to its success? What might you have done differently?

3.1.2 Change leadership

Change leadership is delivering the message of change and creating an environment that inspires people to change. It involves the ability to communicate and manage change, and to take action to reinforce new ways of thinking. It also includes recognizing the impact of change on yourself and others, and developing strategies to promote acceptance of change.

As a manager, you are responsible for communicating “change” to your employees and developing a plan of action to implement the change. You need to be aware of the “loss” your employees experience during the change, so you can acknowledge it and assist your employees to move beyond it.

During a change, a good leader communicates:

- The vision, the mission and the objectives of the change management effort clearly
- Consistently, frequently, clearly and through multiple channels
- With the right people
- With honesty
- Without overloading their team with useless information
- By having conversations with their team

Manager’s Role in the Change Management Process

Although every change a manager deals with may vary and consist of different elements, the process of managing change is relatively the same.



1. Preparation

During this step, the key task is to gather all the possible information regarding the upcoming change, i.e., its objective(s), scope, deadlines, impact on business, structure, people, etc. Important for managers: analyse the impact of the change on themselves and assess their own reaction(s).

2. Planning

Based on the information gathered in the previous step, the manager needs to prepare a communication plan; taking into account the possible/predictable reactions of the employees to the change and preparing an action plan to deal with these reactions positive, neutral, negative (resistance).

3. Transition

The main task of the manager, in this step, is to communicate a plan (from the business perspective as well as from the individual perspective) and observe the different reactions. Important for the manager: Make yourself available to answer your employees' questions/concerns. Send a clear message about the change – management is serious about the change and there is no turning back.

4. Implementation

At this step, it is crucial for the manager to have everybody onboard in order to move from the past to the future. This is when the manager should ask for ideas, suggestions from the staff on how the change could be implemented. They can also assign specific tasks to the team members. By doing so, the manager is securing their commitment and ensuring their energy is focused on the future, not on the past.

Important for the manager: Look for effort and acknowledge and recognize it.

5. Reward

This step is generally overlooked and skipped by most managers. If the manager wants the team to tackle other changes in the future, it is important to take the time to recognize the team for its effort and celebrate its successes. Take time to plan and organize a celebration – it's a great teambuilding opportunity



Exercise 4: Change management

You will be assigned to one of four teams. In your team, answer the following question: What specific approaches could you use to deal with your assigned “change reaction group”? Be prepared to share your ideas in plenary.

Change reaction groups:

1. 10% in favour of the change
2. 80% indifferent (neutral) to change
3. 5% against the change for legitimate reasons
4. 5% against the change, regardless

.



Unit 4: Stress management

Stress is part of life. Stress at its worst can be paralyzing and exhausting. A little bit of stress can be motivating, but too much stress can be overwhelming and have a detrimental effect on health, well-being, quality of work and staff turnover.

As a manager you have a key role in helping create a workplace that is less stressful for your employees, encouraging employees to foster their well-being and noticing signs of when they may be experiencing too much stress so you can support them in taking corrective measures.

Additionally you are in a position of high responsibility and often caught in between conflicting demands and priorities. Stress management is important for you and your well-being. By actively managing or better yet, reducing your stress, you provide an example for your entire team.

4.1.1 Recognizing stress

It has been proven that a certain level of stress is needed to enhance performance and motivation. On the other hand, too much stress can have the effect of draining you to the point of leaving you incapable of accomplishing anything.

The good and bad stress

Both the good and the bad things that happen to us can cause stress. If we did not feel any stress, we would not be alive!

Like it or not, stress is part of our lives! A little bit of stress does not harm anyone. On the contrary, it generates productivity, it can help us to intensify our focus and even lead us beyond our own limitations.

However, too many stressful situations and little or no recovery time becomes a negative stress. Each of us will respond differently to this overload. Some people will get tired quicker than others and will see some symptoms of the damage caused by stress.

Signs associated with stress

“The straw that broke the camel's back.” Stress interferes slowly in our lives, but it eventually sends us physical or emotional signals that sound the alarm and tell us that it is time to take control of our stress before it is too late.



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The muscles, by calculated reflex, react to stress. The muscles contract, acting as protection when the body is affected by a surplus of tension. We then feel an intense sense of discomfort, burning and considerable muscular congestion.

Some of the other physical symptoms of stress are:

- Exhaustion
- Nausea/vomiting
- Weakness
- Difficulty breathing*
- Chest pains*
- Rapid heart rate
- Headaches
- Dry mouth/always thirsty
- Elevated blood pressure
- Fainting/dizziness
- Exacerbation of allergy problems
- Symptoms of shock*

* Definite indication of the need for medical evaluation

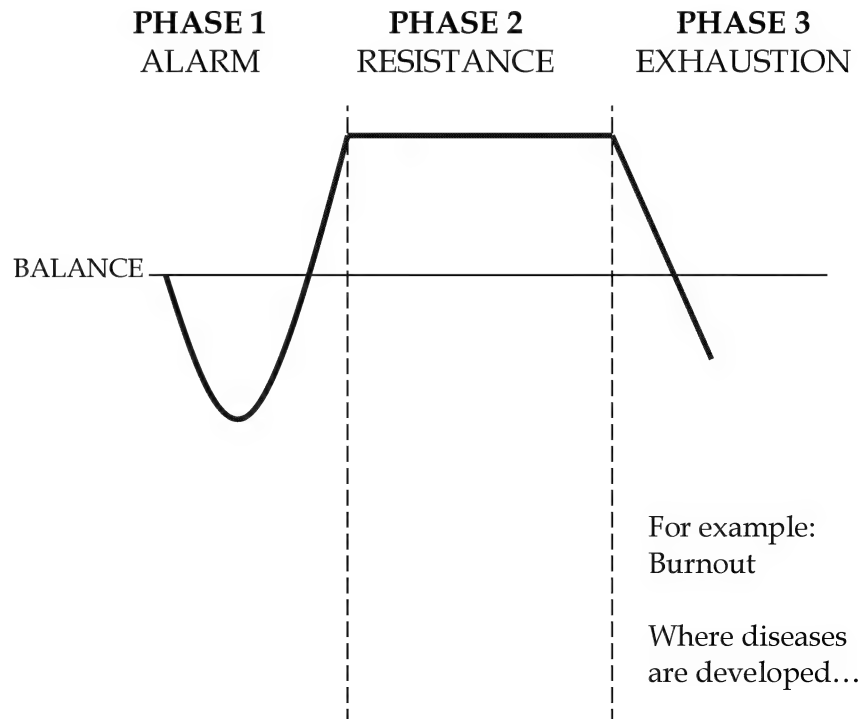
Some of the emotional symptoms of stress are:

- Frustration
- Strong need for recognition of what they experienced
- Anxiety
- Guilt/feeling strongly for victims
- Sense of loss
- Anger
- Denial
- Fear of loss of control
- Irritability/agitation
- Depression
- Feeling overwhelmed
- Feeling isolated
- Loss of emotional control



4.1.2 How humans react to stress

When you find an event stressful, your body undergoes a series of changes, called the stress response. There are three stages to this response.



Phase 1: Alarm

Following exposure to a stressor, the body reacts, first by weakening. At the same time, it sends messages to the pituitary glands and the hypothalamus (call for mobilization).

Your body releases adrenaline, your heart beats faster, and you start to breathe more quickly.

Phase 2: Resistance

If the stressor persists and the body is able to adapt to it, it adapts. The level of resistance rises above the normal level of balance. Your body begins to release stored sugars and fats from its resources. At this stage, you will feel driven, pressured and tired. You may drink more coffee, smoke more, and drink more alcohol than is good for you. You may also experience anxiety, memory loss, catch colds or get the flu more often than normal.

This phase does not continue indefinitely. If the stressor stops, the body comes back to its balance. Otherwise, you get to Phase 3.



Phase 3: Exhaustion

Following the continuous and prolonged adaptation to the stressor, the adaptation energy is finally exhausted. The body's need for energy will become greater than its ability to produce it, and you will become chronically stressed.

At this stage, you may experience insomnia, errors in judgement, and personality changes. You may also develop a serious sickness, such as heart disease, ulcers or mental illness. Prolonged and continued exposure to stress is harmful.

4.1.3 Dealing with stress

Your feelings about the events in your life are very important. By understanding yourself and your reactions to stressful events, you can learn to handle stress effectively. The best place to start is by figuring out what produces stress in you, such as:

- Major events in your life: getting married, changing jobs, moving your home, getting divorced, or coping with the death of a loved one,
- Long-term worries: concern about your children's future, financial or economic problems, or an ongoing illness,
- Daily hassles: traffic jams, rude people, or machines that just don't work when you want them to.

Because each of us is different, there is no one “correct” way to cope with stress. However, there are a number of different things that can be done, and it is helpful to look at both short and long-term solutions to reducing stress.

Identify your problems. Is your job, your relationship with someone, or money worries causing you stress? Are unimportant, surface problems masking real, deeper ones? Once you are fairly sure you know what the problem is, you can do something about it.

Solve your problems. Start thinking about solutions. What can you do, and what will be the consequences? Should you be looking for a less stressful job? Do you need marriage counselling? Should you talk to a financial expert about money management? What will happen if you do nothing? If you follow this problem-solving strategy, you should be able to make some changes to take the pressure off yourself. This long-term way of reducing stress in your life is something everyone, sooner or later, will need to do.

Talk about your problems. You may find it helpful to talk about your stress. Friends and family members may not realize that you are



having a hard time. Once they understand, they may be helpful in two ways: first, by just listening to you vent your feelings and second, by suggesting solutions to your problems. If you need to talk with someone outside your own circle of friends and relatives, your family doctor may be able to refer you to a mental health counsellor.

Learn about stress management. There are many helpful books, films, videos and courses to help you cope with stress. There are also counsellors who specialize in stress; ask your family doctor for a referral to one. There may also be community college courses and stress management workshops available in your community.

Reduce tension. Physical activity can be a great stress reducer. Go for a walk, take up a sport, dig in the garden, clean the house, etc. You may find it helpful to learn some relaxation exercises. These can be as simple as deep breathing – slowing inhale through your nose until you cannot take in any more air, and then exhale through your mouth. Another simple exercise is stretching – stretch and relax each part of your body, starting from your neck and working downward; exhale as you stretch, and inhale as you release the tension. If you make a habit of taking pressure off yourself by getting rid of your tension, you will find yourself less stressed and more able to solve the problems that caused your stress in the first place.

Take your mind off your problems. You may be able to get rid of stressful feelings temporarily by getting busy. If you get involved in hobbies, sports or work, you can give yourself a "mental holiday" from your stress. Not thinking about your problems for a while can give you a little mental distance from them and make them easier to solve later on.

4.1.4 Preventing stress

Once you have lowered your stress level, it is wise to look for ways to prevent excessive stress from building up again. The best way to cope with stress is to prevent it. Some good ways to do this are:

- **Make decisions.** Not making them causes worry and, therefore, stress.
- **Avoid putting things off.** Make a weekly schedule, including leisure activities as well as chores.
- **Delegate.** Get others to do tasks that they can handle so that you are not trying to do everything by yourself.

Remember, it is impossible to have a completely stress-free life. Your goal should be to avoid getting to the third stage of stress where your energy stores are drained. As long as you do not get stuck in the third



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stage of the stress response, you will avoid becoming chronically stressed.

Do you need more help?

If you or someone you know is feeling too much stress and you need more information about resources in your area, contact a community organization, such as the Canadian Mental Health Association, which can help you find additional support.

The CBSA has an Employee Assistance Program to provide short-term counselling for you, your employees and your family as well as advisory services for managers. Please see the EAP intranet pages on Atlas for more information. There is also a workshop called *Coping with Stress* (H2027-N).

You may also contact the EAP external service provider. It is a 24/7 service for all employees.

Exercise 5: Stress reduction action plan

1. Brainstorm all of the things that are causing you stress right now. Think about all of the aspects of your life: work, home, relationships (partner, children, friends, parents, siblings, neighbours, colleagues, supervisor), past, future, finances, health, etc.

2. Prioritize all of the stressors by assigning a ranking to each. Circle the top stressor that you want to work with.

3. Park the rest of them. (Put them aside for the moment; know they are safely written down so you can come back to them later.)



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Working with the top stressor that you circled, answer the following questions:

1. Self-care strategies

- a. What can help in the moment of feeling stressed about this?

- b. What long-term self-care strategies can I adopt to help me with my stress level? (Remember the basics of sleep, nutrition and regular exercise.)

2. What signs of stress do I need to notice and pay attention to? What are my warning signals? (Remember to include signals from your body, thoughts, behaviours and emotions.)

3. Control:

- a. What can I control in this situation? *Put your energy into the things you can control.*

- b. What can't I control in this situation? *Do not put any energy into the things that are beyond your control and beyond your responsibility.*



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4. Perception – how can I look at this differently? How can I look at this more positively?

5. What support do I need to help me with any of these questions or to take action?

6. List 5 things that make you happy and/or give you a sense of accomplishment. You can add things that you are thankful for, if that speaks to you more.

Keep this list handy, especially when your stress-levels are high and it is difficult to remember these positive things.



Unit 5: **Well-being**

Well-being is each individual's responsibility as well as a shared responsibility. We each have the capacity to be well and healthy but it takes focus and determination.

Important reminders to consider regarding well-being:

- True health and well-being is much more than the absence of illness.
- There is a huge role that individuals play in their health and well-being. It is important to be aware of this role, be proactive and control the things you can control.
- We all have choices and we need to ensure that we are making choices that are good for us in both the present and the future.
- We also have an important role in influencing other people's health and well-being.

In the workplace, managers are responsible for creating a workplace environment that is fair, enabling, healthy and safe.

Achieving workplace well-being is also each individual's responsibility. Each person needs to be attuned to their definition of balance, be clear about their needs and priorities and make a commitment to maintaining this equilibrium.

In this way we can see well-being as a shared responsibility and a combination of rights and responsibilities.

The assessment tool on the following pages looks at your areas of strength related to health and well-being and also areas where you may want to develop in terms of deepening your health and well-being.



Exercise 6: What is your well-being level?

Read each statement in the chart and record the score corresponding to the response that best reflects how you have been feeling during the past month. Add up your scores to find out your total well-being score.

This past month...	Almost always (5 pts)	Often (4 pts)	Half the time (3 pts)	Rarely (2 pts)	Never (1 pt)
I felt self-confident					
I felt satisfied with what I was able to accomplish - I felt proud of myself					
I was a "go-getter" - I took on lots of projects					
I felt emotionally balanced					
I felt loved and appreciated					
I had goals and ambitions					
I felt like having fun, participating in sports and all my favourite activities and hobbies					
I felt useful					
I smiled easily					
I was true to myself, being natural at all times					
I did a good job of listening to my friends					



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I was curious and interested in all sorts of things					
I was able to clearly sort things out when faced with complicated situations					
I found life exciting and I wanted to enjoy every moment of it					
My life was well-balanced between my family, personal and professional activities					
I was quite calm and level-headed					
I was able to easily find answers to my problems					
I got along well with everyone around me					
I lived at a normal pace, not doing everything excessively					
I had the impression of really enjoying life					
I had a good sense of humour, easily making my friends laugh					
I felt good, at peace with myself					
I felt healthy and in good shape					



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I was able to face difficult situations in a positive way					
My morale was good					

My total well-being score out of 125: _____

What does my well-being score mean?

Your score reflects the degree of balance you have across the different areas in your life, how well you are coping and how good you feel about things. These are all important aspects of well-being and mental health. There is no magic score that guarantees perfect well-being so we have not included any guidelines regarding "high" or "low" scores and what they mean. Instead, we recommend using this self-test to track your own well-being status over time.

If you are actively working on ways to improve your health then your score will probably go up over time. Increases usually mean we are feeling better about things and feel more able to cope with life's challenges while still finding time for fun. If you are experiencing stress or changes in your overall health then your score may go down for a period of time. Decreases usually mean it is harder to feel good about things and we are struggling to find a sense of balance. Decreases in scores can be an important sign we need to take action to make things better for ourselves. Most of us will experience ups and downs in our well-being scores over time. To track your own well-being and general mental health over time we recommend taking this test once a month.

Please look at the Well-Being Intranet pages for more information about well-being and related resources, and take the online course *Well-Being Matters: Taking Care of Your Physical, Mental and Social Health* (H2041-P) to delve more deeply into the topic.



Unit 6: **Wrap-up and Self-reflection**

During the past five days, we examined a variety of topics related to leadership at the frontline. The purpose was to prepare frontline supervisors and managers with the knowledge and skills needed in respect to people management.

At this time, you may want to reflect on this week's topics and identify any actions that you wish to commit to for your own development.

What was the most important information I learned this week?

As a result of attending this training, what changes will I incorporate?

In terms of my personal development, what do I want to focus on for the next six months?

Other ideas, references or comments:

**Answer Key Exercise 1: Supervising Team Dynamics**

Scenario	Stage of teamwork	Possible strategies
Your team is assigned a multi-faceted project involving almost everyone on the team. Once you've explained and delegated tasks, team members get straight to work.	<i>Performing</i>	Thank your team for their hard work. Schedule a team lunch or coffee break as a reward. Advise your team of the positive impact of their efforts to the division/ Agency. Pass on any praise you may receive from colleagues.
You hold a team meeting and find that most of your employees are reluctant to express their opinions. The one exception is an employee who questions each of your suggestions.	<i>Forming</i>	Ensure that you are knowledgeable enough to answer any questions on the purpose, objectives, roles and responsibilities of the team. Meet with each employee one-on-one to discuss their style of work, roles and responsibilities. Get to know the personalities of each employee.
You encounter a conflict between two team members who find it difficult to work together. You think this is because roles and responsibilities are not clearly understood by all team members.	<i>Storming</i>	Resolve any conflicts that may arise. To build consensus, be prepared to answer questions and communicate the rationale of your decisions. Clarify any issues that employees may be confused about. Help employees feel comfortable speaking to you about their issues.
Your team completes a project efficiently with no significant conflicts. You schedule a team meeting to thank the team for their hard work.	<i>Adjourning</i>	Continue to do what you currently do. Maintain communication and positive reinforcement.
Your employees are willing to follow established procedures and methods. They collaborate on projects with few conflicts.	<i>Norming</i>	Communicate the big picture and be open to differing opinions. Bring the focus to the goal being achieved. Clarify procedures and methods to be used and ensure that all team members are comfortable with them.



Leading at the Frontline - Considerations in Effective Leadership



Answer Key Exercise 4: Change management

10 % in favour of the change:

- They are great sounding boards; listen to their advice
- Ask them for ideas, plans, strategies (they could be excellent sources of ideas)
- They may help you to better understand staff anxiety, resistance and losses
- Involve them in meetings, workshops, committees and taskforces
- They are great “ambassadors”

80 % who are indifferent:

- Communicate; educate them about the change
- Stress the gains – foster dissatisfaction with the status quo
- Ask “What will happen if we don’t change?”
- Make sure staff feel included rather than ignored or worse, manipulated
- Create a critical mass
- Reward people for coming on board – rewards should be in line with the usual incentives available to you
- Involve them in activities to unfreeze frozen attitudes and values

5 % who are against the change for legitimate reasons:

- Listen to their concerns
- Identify their losses, fears, etc.
- Make yourself available
- Acknowledge their emotions/feelings and provide emotional support
- Be supportive, e.g., provide training, pace the rate of change, give employees time off after a demanding period
- You may have to negotiate with the resisters


5 % who are against the change, regardless:

- Make the employee aware of the consequences of their actions: e.g., possibilities of demotion, transfer, loss of jobs, disciplinary measures, etc...
- Monitor their actions
- Keep them busy
- Use a very direct approach
- Manage them by setting short, precise, and tangible goals with associated tasks and results



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Notes




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Stages of Team Development

Forming – transition from individuals to group


Storming- emotions and power struggles may arise – manager must manage

Norming – collaboration, roles are clear,

Performing- goal achievement is focus rather than methods

Adjourning- task is completed and members see success


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Multi-Generational Workforce

- Possible to have three generations in the workforce simultaneously;
- Although individuals belong to a cohort, they do not all behave the same way or have the same attitudes;
- Attitudes and values towards work, and work life balance may be different.

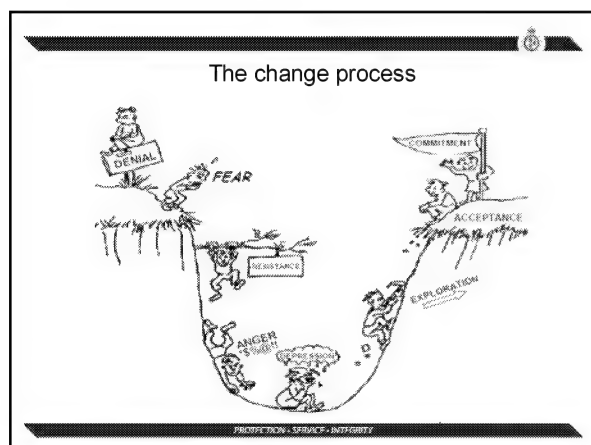
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Change Management

- Change vs Transition
- Change focuses on the outcome it will produce.
- Transition focuses on the internal experience and the mental process people go through when coming to terms with a new situation.

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Change Leadership & Communication

A good leader communicates:


- Vision, mission and objectives of the change;
- Consistently, frequently and clearly;
- With the right people;
- With honesty; and
- Efficiently- not overwhelming the team to excessive information.

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Stress Management

- Stress at its best, can be motivating – ie. We have a job, let's get it done!
- Stress at its worst, can be paralysing and overwhelming.
- Stress can take an emotional and physical toll.
- Stress can be managed.


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Well-being

- Health and well-being go beyond the absence of illness;
- The individual plays a role where they can be proactive in their own well-being;
- As individuals, we have the ability to make healthy choices that contribute to our well-being;


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Role of the Leader

- Helping to create a workplace that is less stressful;
- Fostering and encouraging well-being;
- Watching and noticing signs so support can be provided;
- Recognizing that you will often have conflicting demands; therefore, stress management and well-being is important for you also.

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Resources

- Ensuring that staff understand the available resources: namely, Employee Assistance Program


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Back to the Beginning

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Purpose and Expectations Revisited

The purpose of this workshop is to prepare the frontline supervisors and managers with the knowledge and skills needed in respect to people management.

I'm looking for information about
Or
I'm interested in learning about
Or
This workshop would be helpful if

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Reflection

Reflect on the parts of the week that were beneficial to you in your work.

See the Self-Reflection and Wrap up Sheet.

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Leading at the Frontline - PreWork

L1102-N

Version: January 2018

Participant Guide

Training and Development Directorate



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The Training and Development Directorate, Canada Border Services Agency, developed based on material acquired from the Supervisor's Essentials course material. The content was revised in January 2018.

Examples and scenarios have been created using fictional names. Any resemblance to persons real, imaginary, or deceased is purely coincidental. There is no intention for examples to depict stereotyping on any basis.

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Pre-Work Instructions

Two questionnaires, included in this pre-work package, are to be completed as prerequisites to the Leading at the Frontline course. They are:

- The Personal Communication Style in the Workplace questionnaire; and
- The Conflict Management Styles questionnaire.

Please follow the instructions below before coming to the course:

- Print and complete both questionnaires before coming to the Leading at the Frontline training.
- Read and follow instructions included on how to answer the questionnaires.
- Once you have your results, transfer your scores on the appropriate answer sheets and bring them with you to class.
- Once in class, the facilitator will let you know what to do with them.
- You do not have to share your scores with anyone if you do not want to, other than share them with the facilitator him/herself at their request.
- Information will be given to you during the course which will explain the possible results and further documentation will be distributed to assist you further.

Conflict Management Styles - Instructions and Questionnaire

Conflict Management Styles - Instructions

Please ensure that you see yourself in the workplace while answering the questionnaire on the following pages. This is important since you may chose different answers if you are thinking about another context such as your home environment for example.

Note your immediate, instinctive response to each statement or word pair. In other words, you should not think too long about your responses. This exercise will only work if you do it honestly.

If you are having particular difficulty with one statement or word pair, skip over that one for the moment and come back to it after you have completed the rest of the questionnaire.

For the questionnaire to be accurate, it is important that you respond to all statements and word pairs.

There are no answers that are better or worse, right or wrong. Once you have completed the questionnaire, use the score sheet to score your results.

You must add up the number of answers you have in each of the 5 style columns (competing, collaborating, compromising, avoiding, and accommodating) and write the totals in the allotted spaces on the page.

The highest score will be your preferred method of dealing with conflict. The other scores in descending order will point to your preferences in using the other styles.

Conflict Management Styles - Questionnaire

Complete the following questionnaire based upon your personal response to workplace conflict. Once completed, tabulate your results on the answer sheet.

Choose the response that fits how you usually feel by marking the correspondent number with an X: 1 being least like you and 5 being most like you.

1. I can't be bothered arguing, it's easier to just do what the other person wants.
 (1) (2) (3) (4) (5)
2. It's important to me to win. I don't like to compromise or give in.
 (1) (2) (3) (4) (5)
3. My goal is to try and find a solution where both parties get what they want and are fully satisfied.
 (1) (2) (3) (4) (5)
4. I try to stay away from situations that are in any way confrontational, no matter what.
 (1) (2) (3) (4) (5)
5. I think in most situations there is a way to split the difference so that both parties can be satisfied.
 (1) (2) (3) (4) (5)
6. I don't like being in a conflict situation myself, and I make sure I'm not around others who might be part of one.
 (1) (2) (3) (4) (5)
7. It's important to me to have harmony around me so I often find myself giving in to other people.
 (1) (2) (3) (4) (5)

8. In a conflict situation, I ask a lot of questions to get to the bottom of the story and to find out what the other party is thinking and feeling, and why.

(1) (2) (3) (4) (5)
9. Other people's opinions don't mean a lot – it is more important that my goals are met, than what they think of me.

(1) (2) (3) (4) (5)
10. In a conflict situation I usually can find a middle ground so we can come to a quick solution.

(1) (2) (3) (4) (5)
11. I feel most of the time it is better to just ignore conflict and it will just resolve itself.

(1) (2) (3) (4) (5)
12. I'd rather "kill my enemies with kindness" and keep the peace, even if it means I don't always get what I want.

(1) (2) (3) (4) (5)
13. To me conflict is always a lose-lose situation and nothing good comes of it.

(1) (2) (3) (4) (5)
14. It is important to me that conflict gets resolved in a manner that maintains a good relationship for the parties afterwards.

(1) (2) (3) (4) (5)
15. I feel it is important to fully explore an issue we disagree about and to find creative solutions that don't mean compromising or either of us giving in, even though that may take a lot more time.

(1) (2) (3) (4) (5)
16. I think a bit of give-and-take is the most effective way to resolve a conflict – as long as both parties are giving.

(1) (2) (3) (4) (5)

Leading at the Frontline - PreWork

17. I use whatever is necessary to win.

(1) (2) (3) (4) (5)

18. I try to find things we can both agree on then use that as a base to determine options that might be a solution.

(1) (2) (3) (4) (5)

19. I find it easier to smooth things over and agree for the sake of the relationship rather than run the risk of a confrontation.

(1) (2) (3) (4) (5)

20. I'll do whatever I can to ignore issues that could potentially lead to a conflict or disagreement.

(1) (2) (3) (4) (5)

21. I know what I want and I usually make sure I get it, even if it makes our relationship suffer a bit.

(1) (2) (3) (4) (5)

22. I'm willing to compromise, especially if the other party feels strongly about an issue.

(1) (2) (3) (4) (5)

23. If I disagree, I can usually win any argument either with the strength of my argument or by outlasting the other party.

(1) (2) (3) (4) (5)

24. I don't like to hurt other people - it's usually easier to just go along with whatever they want if it makes them happy.

(1) (2) (3) (4) (5)

25. I find that I'm usually willing to go half-way, and therefore most conflicts are resolved quickly and easily.

(1) (2) (3) (4) (5)

Source: Thomas Kilmann Instrument - Modified by the ICMS
 Training Initiative Working Group

Conflict Management Styles - Score

Each style has its own merit and when used in the correct situation can be the most effective way of dealing with a conflict.

The questionnaire is designed to help you identify which of the styles is your predominant style, i.e. the one you feel the most comfortable using most of the time. It is at your own discretion whether your results are shared.

In the columns below, list the ranking you assigned to each of the questions indicated. Then total the score for each column at the bottom of that column.

The column with the highest score indicates your predominant or most comfortable style. While this score sheet helps you reflect on what style might be your strongest, most people are comfortable with more than one style, and will use different styles depending upon the situation.

Avoid	Compete	Compromise	Accommodate	Collaborate
4 -	2 -	5 -	1 -	3 -
6 -	9 -	10 -	7 -	8 -
11 -	17 -	15 -	12 -	14 -
13 -	21 -	22 -	19 -	16 -
20 -	23 -	25 -	24 -	18 -
Total :	Total :	Total :	Total :	Total :

Social Styles – Instructions and Questionnaire

INSTRUCTIONS

For each question, select the statement (a, b, c or d) that best describes the way you are in the workplace. If you find yourself hesitating between several options, bear in mind that your personal communication style refers to the way others perceive you and to the assumptions they make about your motives, attitudes, interests and intentions, Circle the letter that corresponds to **your selection**.

For example, in response to the first question, you may believe yourself to be persuasive (a), diplomatic (b), results-oriented (c) and logical (d), and that is probably true. However, if someone else were asked to choose the group of adjectives that best describes you, that person would not hesitate between a, b, c or d.

1. When I am at my best, the person I am communicating with would describe me as:

- a) Imaginative, stimulating, pervasive.
- b) Understanding, encouraging, diplomatic.
- c) Practical, results-oriented effective.
- d) Logical, systematic, precise.

2. When I am required to present a project to a committee:

- a) I prepare myself to present the project in a brief and concise manner.
- b) I prepare myself carefully, gathering supporting documents and trying to anticipate objections.
- c) I prepare myself well, but I worry about the atmosphere at the committee meeting.
- d) I prepare myself generally since I know the right words will come to me once I am before the committee.

3. I am more convincing when:
 - a) I have enough time to present solid arguments.
 - b) I have a concrete and realistic objective to put forward.
 - c) I have an original point of view.
 - d) I am well regarded and respected by the people I am speaking to.
4. When I have a problem to solve, I usually:
 - a) Gather enough information to choose the best solution.
 - b) Wait for the solution to come to me.
 - c) Quickly choose the most practical solution.
 - d) Find a solution that is acceptable to both myself and others.
5. When I have to provide critical feedback:
 - a) I base my criticism on accurate facts and information.
 - b) I choose my words carefully to avoid offending or hurting the other person.
 - c) I try to find an original way of presenting the criticism.
 - d) I say things as they are.
6. When I give a presentation:
 - a) I present all the important points in logical order.
 - b) I more or less put on a show to get the attention of the participants.
 - c) I make sure participants understand and I try to get them involved.
 - d) I get to the point.
7. If someone were asked to name my faults, he or she would probably say that I am:
 - a) Controlling and slow.
 - b) Undisciplined and excited.
 - c) Authoritative and impatient.
 - d) Too sensitive and too preoccupied with others.

8. If I were a painting, people would see me as:

- a) A picnic in the grass.
- b) An impeccable garden.
- c) A mountain.
- d) An erupting volcano.

9. I found question 8 to be:

- a) Interesting.
- b) Somewhat ridiculous.
- c) Incongruous.
- d) Intriguing.

10. During a discussion:

- a) I take note of ideas that differ from mine.
- b) I vigorously defend my point of view.
- c) I raise relevant and constructive arguments.
- d) I often present things from a different perspective.

11. To me, substantive discussions are:

- a) Often a waste of time (out of touch with reality).
- b) Interesting, if we can settle one matter at a time.
- c) Interesting, if people don't take themselves too seriously.
- d) Very productive, if people seek to understand one another rather than defend their own positions.

12. When I am personally involved in a conflict situation:

- a) I make or suggest compromises.
- b) I am unable to predict my reaction.
- c) I find solutions to the problem.
- d) I wait for the dust to settle.

13. When I witness an altercation between contributors to a project:
 - a) I try to bring them to understand one another.
 - b) I become personally involved.
 - c) I avoid getting involved for fear of aggravating the situation.
 - d) I try to get them to listen to reason.

14. When I am personally involved in a conflict. I usually react by:
 - a) Trying to bring the other party to see the problem as it is.
 - b) Analyzing different points of view with the other party.
 - c) Investing a lot of energy in finding a suitable compromise.
 - d) Letting the problem solve itself.

15. Which of the following interpersonal skills could use some improvement:
 - a) Listening skills.
 - b) Assertiveness.
 - c) Expressing my feelings.
 - d) Controlling my reactions.

16. When I interact with someone:
 - a) I make few gestures.
 - b) My gestures are rather harmonious.
 - c) My gestures can be jerky.
 - d) I make wide and frequent gestures.

17. When someone comes to me with a personal problem:
 - a) I try to play it down by suggesting a different way of looking at things.
 - b) I look for a solution.
 - c) I listen carefully and try to reformulate the problem as I understand it.
 - d) I ask a lot of questions to gain a global perspective of the situation.

18. I am perceived as a person who:

- a) Is often unpredictable.
- b) Values interpersonal relationships.
- c) Demands thoroughness and logic of people.
- d) Is very competitive.

19. When I Interact with people, I often deplore the fact that they:

- a) Are not aware of their feelings.
- b) Speak without thinking beforehand.
- c) Lack imagination.
- d) Speak although they have nothing to say.

20. When I am tense or defensive, I become:

- a) Emotional.
- b) Impulsive.
- c) Extremely under control.
- d) Dominating.

21. I defend my ideas:

- a) With tact.
- b) With logical arguments.
- c) With enthusiasm.
- d) With force.

22. When I have a decision to make:

- a) I consider the people involved.
- b) I opt for the most practical decision.
- c) I try to make the most informed decision possible.
- d) I rely on my intuition.

23. When I am listening to someone:

- a) I have a tendency to interrupt the person to express my point of view.
- b) I try to understand the person's point of view.
- c) I listen while thinking of something else.
- d) I give the person enough time to express his or her thoughts.

24. When I am given critical feedback:

- a) I defend myself.
- b) I try to understand.
- c) I ask for evidence.
- d) I react impulsively.

25. As I was completing this questionnaire:

- a) I tried to analyze my behavior as accurately as possible.
- b) I wondered about the questionnaires scientific merit.
- c) I answered rather carelessly.
- d) I answered quickly without asking myself any questions

Leading at the Frontline - PreWork

Answer Sheet

Transcribe your answers onto this sheet by circling the letter that corresponds to your selection for each of the statements. Then, add up your answers for each column and write the totals at the bottom of the page.

	ANALYTICAL	DIRECTIVE	AMIABLE	EXPRESSIVE
1	d	c	b	a
2	b	a	c	d
3	a	b	d	c
4	a	c	d	b
5	a	d	b	c
6	a	d	c	b
7	a	c	d	b
8	b	c	a	d
9	c	b	d	a
10	c	b	a	d
11	b	a	d	c
12	d	c	a	b
13	c	d	a	b
14	d	a	c	b
15	c	a	b	d
16	a	c	b	d
17	d	b	c	a
18	c	d	b	a
19	b	d	a	c
20	c	d	a	b
21	b	d	a	c
22	c	b	a	d
23	d	a	b	c
24	c	a	b	d
25	b	d	a	c
Totals				

INTERPRETATION

Transcribe your totals under the appropriate heading.

	Analytical	Directive	Amiable	Expressive
Totals				

If the results for one column are much higher than for the other columns, your personal communication style is very clear.

However, if two different columns show very similar results, this indicates that certain characteristics of one communication style are enhanced by characteristics of the other. The most common combinations are: analytical-directive, amiable-analytical, directive-expressive and expressive-amiable. The combinations amiable-directive and analytical-expressive are rarer, since the two styles oppose one another on two levels: dominance and responsiveness.

Finally, if your results are more or less evenly distributed between the four styles, this means that you are very flexible.



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Occupational Health and Safety Best Practices for Managers and Supervisors

Occupational Health and Safety Program
H3045-N
March 2016

Workshop Activity Booklet
Training and Development Directorate



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Activity 1 – Getting Started

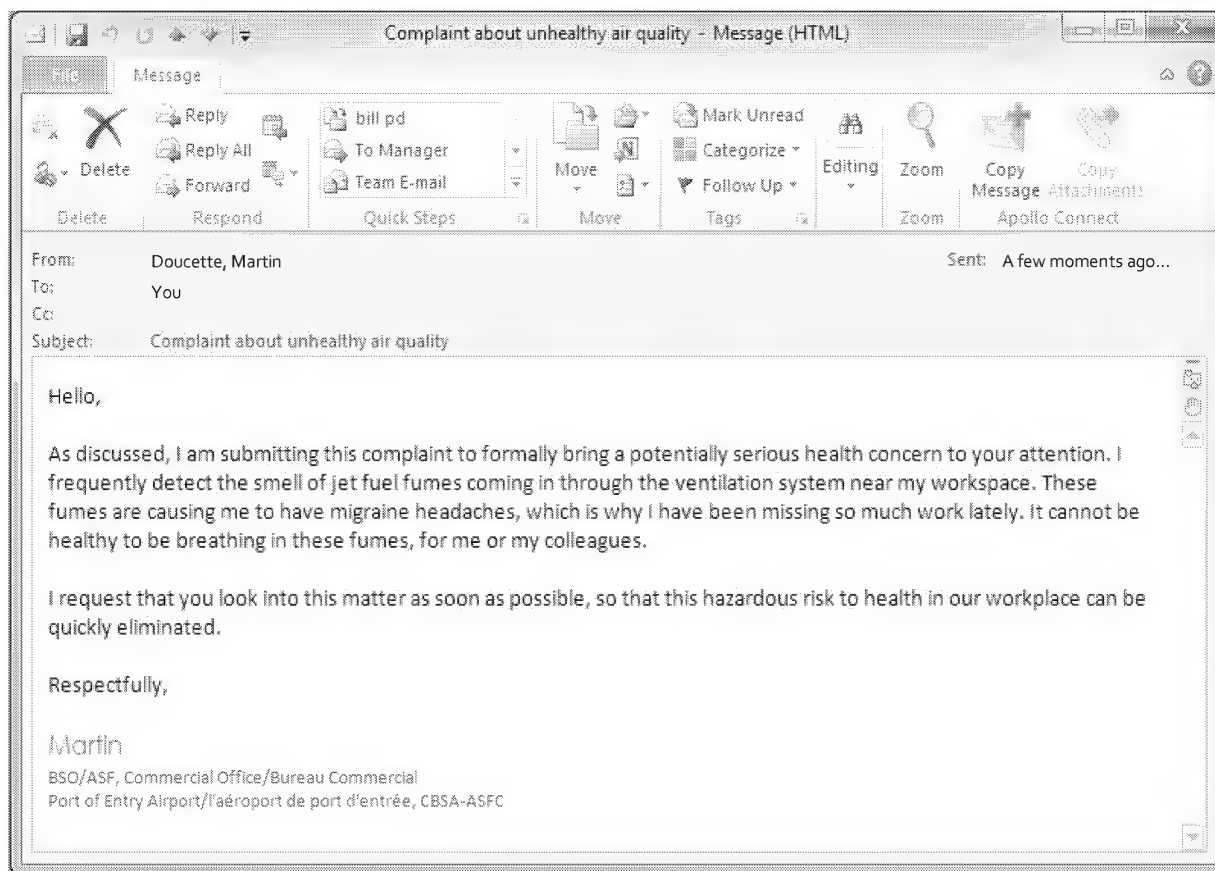


In this group discussion activity, you will determine the steps you will take to begin an employee complaint investigation.

Duration: 10 minutes

Scenario: You are a manager / immediate supervisor in a Commercial office at a Port of Entry airport. You receive the following email from one of your employees.

- Instructions:**
- Review the email presented below.
 - Respond to the question on the Discussion Worksheet.





Discussion Worksheet

?

What next steps would you consider taking in order to investigate the health concern described in the complaint of the employee?

[illegible]



Activity 2 – Twenty/Twenty



In this group activity, you will discover the facts you will need to formulate a decision.

Duration: 10 minutes

Instructions:

- You will be dealt 4-5 cards from the 20/20 deck.
- Collaborate with the other participants to determine the correct answer for each question. Compile your results on the Twenty/Twenty worksheet provided on the following page.





Twenty/Twenty Work Sheet

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____



Twenty/Twenty Work Sheet

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.



Activity 3 – Completing the Investigation Report

In this written activity, you will complete the Investigation Report using the information gathered during your investigation.

Duration: 15 minutes.

Instructions:

- The workshop facilitator will walk you through each section of the report.
- Complete each section with the appropriate information.
- Be prepared to share your results with the group.

OCCUPATIONAL HEALTH AND SAFETY COMPLAINT INVESTIGATION REPORT

IDENTIFICATION OF PARTIES
<p>1. Manager/Immediate Supervisor</p> <p>Name:</p> <p>Work Telephone Number:</p> <p>Business Mobile Number:</p> <p>Email Address: @cbsa-asfc.gc.ca</p>
<p>2. Employee(s)</p> <p>Name:</p> <p>Work Telephone Number:</p> <p>Business Mobile Number:</p> <p>Email Address: @cbsa-asfc.gc.ca</p> <p>Additional Names: n/a</p>
<p>3. Investigator Names</p> <p>Employer Rep:</p> <p>Employee Rep:</p>



DESCRIPTION OF COMPLAINT
<p>4. Location of complaint</p>
<p>5. Date and Time Reported to Supervisor</p>
<p>6. Detailed Description of Complaint</p>
DETAILS OF INVESTIGATION
<p>7. Interview Employee(s)</p> <p>a. What does the employee believe has been a convention to the <i>Canada Labour Code</i> Part II?</p> <p>b. Why does the employee believe that there is likely to be an accident or injury to health arising out of, linked with or occurring in the course of employment?</p>
<p>8. Recurring Issue</p> <p>Determine if the issue has been previously raised here or elsewhere.</p> <p>If yes, what was the result of the investigation?</p>



9. Review CBSA Policies and/or Procedures:

- a. Is there a CBSA policy and/or procedure to address the situation? (Review applicable policies and procedures and provide details on the relevant sections.)

YES ☐ NO ☐

- b. Has the employee been trained on the above-mentioned policy/procedures/manual/bulletins?

YES ☐ NO ☐

- c. Are the above-mentioned CBSA policies and procedures being followed? Interview employees and determine if they are aware of bulletin and observe to ensure that the employees follow the procedures. If no, describe the deficiency)

YES ☐ NO ☐

10. Manufacturer Information

- a. Are manufacturer's instructions and maintenance procedures relevant to the equipment or personal protective equipment, if applicable?

YES ☐ NO ☐ NOT APPLICABLE ☐

- b. Are the manufacturer's instructions and maintenance procedures being followed, if applicable? (If no, describe the deficiency)

YES ☐ NO ☐ NOT APPLICABLE ☐



11. Industry Standard/Best Practice

- a. Is the industry standard or best practice being met by the situation/task? (Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted industry standard. Observe the task/situation. Interview employees and management. If no, detail where the practice is not met.)

YES ☐ NO ☐ NOT APPLICABLE ☐

- b. Is there a best practise for the situation/task? (Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted best practice by the industry. Observe the task/situation. Interview employees and management. If no, detail where the practice is not met.)

YES ☐ NO ☐ NOT APPLICABLE ☐

12. Engineering and/or Administrative Controls

- a. Are there any engineering controls in place to reduce exposure to the hazard? (e.g. ventilation)

YES ☐ NO ☐

- b. Are the engineering controls in place functioning as intended? (Interview employees and observe. If no, explain.)

YES ☐ NO ☐



c. Are there any administrative controls in place to reduce exposure to the hazard? (scheduling)

YES ☐ NO ☐

d. Are the administrative controls in place functioning as intended?

YES ☐ NO ☐

e. Are the administrative controls in place appropriate? (Interview employees and observe the employees to determine if there are additional controls that could be put in place.)

YES ☐ NO ☐

13. Personal Protective Equipment (PPE)

a. Is PPE being used to reduce the hazard? (List PPE, interview and observe the employee(s) to determine if they have been provided with PPE and are using it.)

YES ☐ NO ☐ N/A ☐

b. Has the employee(s) been trained on the use and maintenance of PPE? (List course name(s), verify on CAS whether the employee has completed training, where applicable.)

YES ☐ NO ☐

14. Hazardous Occurrence Report (LAB1070)

a. Have LAB1070s been previously submitted for this hazard/condition or activity? (Consult regional and national OHS advisors)

YES ☐ NO ☐

b. If so, were any corrective measures implemented? (Review LAB1070s. Explain why or why not.)

YES ☐ NO ☐

**15. Workplace Health & Safety Committee (WPHSC)/OHS representative**

- a. Has this situation been addressed by the WPHSC or Representative in the past? (Review minutes of WHSC meeting)

YES ☐ NO ☐

16. Hazard Assessment

- a. Has a hazard assessment or job hazard analysis (JHA) been completed for this hazard/condition or activity locally or elsewhere in CBSA?

YES ☐ NO ☐

Frequency of Occurrence	
Frequent	Occurs one or more times per day
Regular	Occurs one or more times per week
Occasional	Occurs one or more times per month or season
Rare	Occurs rarely or has never occurred, but is possible
<input type="checkbox"/> Frequent <input type="checkbox"/> Regular <input type="checkbox"/> Occasional <input type="checkbox"/> Rare	

Likelihood of Injury Occurring	
Almost Certain	The most likely and expected result
Quite possible	Not an unusual occurrence
Remotely possible	Unusual occurrence but possible, occurred in the past
Unlikely	Has not or never occurred, but is conceivable
<input type="checkbox"/> Almost certain <input type="checkbox"/> Quite possible <input type="checkbox"/> Remotely possible <input type="checkbox"/> Unlikely	

Probability (Frequency x Likelihood)				
Frequency	Likelihood			
	Unlikely	Remotely Possible	Quite Possible	Almost Certain
Frequent	Possible	Likely	Highly Likely	Highly Likely
Regular	Possible	Possible	Likely	Highly Likely
Occasional	Unlikely	Possible	Likely	Likely
Rare	Unlikely	Unlikely	Likely	Likely
<input type="checkbox"/> Highly Likely <input type="checkbox"/> Likely <input type="checkbox"/> Possible <input type="checkbox"/> Unlikely				



Severity	
Critical	Fatality or permanently disabling injury or illness
Severe	Disabling injury resulting in loss of work time
Serious	Minor injury
Minimal	Non-disabling injury
<input type="checkbox"/> Critical <input type="checkbox"/> Severe <input type="checkbox"/> Serious <input type="checkbox"/> Minimal	

Probability	Severity			
	Minimal	Serious	Severe	Critical
Highly Likely	C	B	A	A
Likely	C	C	B	A
Possible	D	C	B	B
Unlikely	D	D	C	C
<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D				

- A This level of hazard is the highest ranking and requires an action plan to identify and implement preventive measures. Hazards at this level are a priority as they could result in a significant disabling injury or possibly pose a danger to employees if adequate preventive measures are not implemented.
- B This level of hazard is also considered to require immediate attention. An action plan should be developed in order to implement appropriate preventive measures.
- C Hazards at this level are not a priority, but should never be ignored. Monitor and investigate incidents to determine whether the rating needs to be adjusted or additional preventive measures considered.
- D Hazards at this level are not of immediate threat to the employee but should not be ignored. No immediate action plan is required.

17. Analysis



18. Conclusion

Based on the gap analysis and job hazard analysis, is the complaint justified?

YES ☐ NO ☐ No consensus ☐

List any recommendations.

	Recommendations
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

19. Signatures

Manager/supervisor investigation

Manager/Supervisor

date



Activity 4 – Making a decision



This group discussion activity will help you to formulate a decision on whether or not the complaint is justified.

Duration: 5 minutes

Instructions:

- Discuss the questions below.

?

Is the Employee Complaint justified?

?

What factors led you to arrive at this decision?

?

What actions could you consider taking to help resolve the situation?



Activity 5 – Considering WPHSC findings



In this activity, you will review and discuss the Investigation Report prepared by the local Workplace Health and Safety Committee.

Duration: 10 minutes

Instructions:

- Review the Investigation Report provided on the pages that follow.
- Complete the Discussion Worksheet.

OCCUPATIONAL HEALTH AND SAFETY COMPLAINT

INVESTIGATION REPORT

IDENTIFICATION OF PARTIES
<p>1. Manager/Immediate Supervisor</p> <p>Name: You Work Telephone Number: Your work number Business Mobile Number: Your cell number Email Address: You@cbsa-asfc.gc.ca</p>
<p>2. Employee(s)</p> <p>Name: Martin Doucette Work Telephone Number: XXX XXX XXXX Business Mobile Number: ??? ??? ??? Email Address: martin.doucette@cbsa-asfc.gc.ca Additional Names: n/a</p>
<p>3. Investigator Names</p> <p>Employer Rep: Aisha Bakshi Employee Rep: Charles Darwin</p>



DESCRIPTION OF COMPLAINT
<p>4. Location of complaint</p> <p>Cargo Examination Area Warehouse 13 Port of Entry Airport</p>
<p>5. Date and Time Reported to Supervisor</p> <p>DD MM YYYY, XXh:XX</p>
<p>6. Detailed Description of Complaint</p> <p>Jet fuel fumes are perceptible in the cargo examination area of Warehouse 13. Exposure to these fumes are causing complainant Martin Doucette to experience debilitating migraine headaches. Mr Doucette believes that the air quality in Warehouse 13 is potentially hazardous to his health and the health of his colleagues.</p>
INVESTIGATION DETAILS
<p>7. Interview Employee(s)</p> <p>a. What does the employee believe has been a convention to the Canada Labour Code Part II?</p> <p>The employee believes that the employer is in contravention of Section 125.1 (m)(v) and (s).</p> <p>b. Why does the employee believe that there is likely to be an accident or injury to health arising out of, linked with or occurring in the course of employment?</p> <p>The employee has concerns regarding the potential long term health risks associated with the prolonged inhalation of jet fuel fumes.</p>
<p>8. Recurring Issue</p> <p>Determine if the issue has been previously raised here or elsewhere.</p> <p>Neither the Union nor Regional/National OHS Program has any record of a complaint in this nature.</p> <p>If yes, what was the result of the investigation?</p> <p>n/a</p>



9. Review CBSA Policies and/or Procedures:

a. Is there a CBSA policy and/or procedure to address the situation? *(Review applicable policies and procedures and provide details on the relevant sections. Example: Enforcement Manuals, Program Manuals, Operational Bulletins, Arming Policies.*

YES ☐ NO ☐

b. Has the employee been trained on the above-mentioned policy/procedures/manual/bulletins? *(Example: Is employee aware of bulletin and been trained in the procedures?)*

YES ☐ NO ☐

c. Are the above-mentioned CBSA policies and procedures being followed? *Interview employees and determine if they are aware of bulletin and observe to ensure that the employees follow the procedures. If no, describe the deficiency)*

YES ☐ NO ☐

10. Manufacturer Information

a. Are manufacturer's instructions and maintenance procedures relevant to the equipment or personal protective equipment, if applicable?

YES ☐ NO ☐ NOT APPLICABLE ☐

b. Are the manufacturer's instructions and maintenance procedures being followed, if applicable? *(If no, describe the deficiency)*

YES ☐ NO ☐ NOT APPLICABLE ☐



11. Industry Standard/Best Practice

- a. Is the industry standard or best practice being met by the situation/task?
(Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted industry standard. Observe the task/situation. Interview employees and management. If no, detail where the practice is not met.)

YES ☐ NO ☐ NOT APPLICABLE ☐

- b. Is there a best practise for the situation/task? (Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted best practice by the industry. Observe the task/situation. Interview employees and management. If no, detail where the practice is not met.)

YES ☐ NO ☐ NOT APPLICABLE ☐

12. Engineering and/or Administrative Controls

- a. Are there any engineering controls in place to reduce exposure to the hazard? (ventilation)

YES ☒ NO ☐

- b. Are the engineering controls in place functioning as intended? (Interview employees and observe. If no, explain.)

YES ☒ NO ☐

- c. Are there any administrative controls in place to reduce exposure to the hazard? (scheduling)

YES ☒ NO ☐

- d. Are the administrative controls in place functioning as intended?

YES ☒ NO ☐

- e. Are the administrative controls in place appropriate? (Interview employees and observe the employees to determine if there are additional controls that could be put in place.)

YES ☒ NO ☐



13. Personal Protective Equipment (PPE)

- a. Is PPE being used to reduce the hazard? (Such as Kevlar gloves, protective vest, N95 respirator, hearing protection, etc. List PPE, interview and observe the employee(s) to determine if they have been provided with PPE and are using it.)

YES ☐ NO ☐ N/A ☐

- b. Has the employee(s) been trained on the use and maintenance of PPE? (List course name(s), verify on CAS whether the employee has completed training, where applicable.)

YES ☐ NO ☐

14. Hazardous Occurrence Report (LAB1070)

- a. Have LAB1070s been previously submitted for this hazard/condition or activity?

YES ☐ NO ☒

- b. If so, were any corrective measures implemented? (Review LAB1070s. Explain why or why not.)

YES ☐ NO ☐

15. Workplace Health & Safety Committee (WPHSC)/OHS representative

- a. Has this situation been addressed by the WPHSC or Representative in the past? (Review minutes of WHSC meeting)

YES ☐ NO ☒



16. Hazard Assessment

a. Has a hazard assessment or job hazard analysis (JHA) been completed for this hazard/condition or activity locally or elsewhere in CBSA?

YES ☒ NO ☐

Frequency of Occurrence	
Frequent	Occurs one or more times per day
Regular	Occurs one or more times per week
Occasional	Occurs one or more times per month or season
Rare	Occurs rarely or has never occurred, but is possible
<input type="checkbox"/> Frequent <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Occasional <input type="checkbox"/> Rare	

Likelihood of Injury Occurring	
Almost Certain	The most likely and expected result
Quite possible	Not an unusual occurrence
Remotely possible	Unusual occurrence but possible, occurred in the past
Unlikely	Has not or never occurred, but is conceivable
<input type="checkbox"/> Almost certain <input type="checkbox"/> Quite possible <input checked="" type="checkbox"/> Remotely possible <input type="checkbox"/> Unlikely	

Note: Likelihood factor based on general employee population

Probability (Frequency x Likelihood)				
Frequency	Likelihood			
	Unlikely	Remotely Possible	Quite Possible	Almost Certain
Frequent	Possible	Likely	Highly Likely	Highly Likely
Regular	Possible	Possible	Likely	Highly Likely
Occasional	Unlikely	Possible	Likely	Likely
Rare	Unlikely	Unlikely	Likely	Likely
<input type="checkbox"/> Highly Likely <input type="checkbox"/> Likely <input checked="" type="checkbox"/> Possible <input type="checkbox"/> Unlikely				

Severity	
Critical	Fatality or permanently disabling injury or illness
Severe	Disabling injury resulting in loss of work time
Serious	Minor injury
Minimal	Non-disabling injury
<input type="checkbox"/> Critical <input type="checkbox"/> Severe <input type="checkbox"/> Serious <input checked="" type="checkbox"/> Minimal	

Note: Severity factor based on general employee population.



Probability	Severity			
	Minimal	Serious	Severe	Critical
Highly Likely	C	B	A	A
Likely	C	C	B	A
Possible	D	C	B	B
Unlikely	D	D	C	C
<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input checked="" type="checkbox"/> D				

- A This level of hazard is the highest ranking and requires an action plan to identify and implement preventive measures. Hazards at this level are a priority as they could result in a significant disabling injury or possibly pose a danger to employees if adequate preventive measures are not implemented.
- B This level of hazard is also considered to require immediate attention. An action plan should be developed in order to implement appropriate preventive measures.
- C Hazards at this level are not a priority, but should never be ignored. Monitor and investigate incidents to determine whether the rating needs to be adjusted or additional preventive measures considered.
- D Hazards at this level are not of immediate threat to the employee but should not be ignored. No immediate action plan is required.

17. Analysis

Further air quality testing conducted by provincial Worksafe Program concluded that the Total Volatile Organic Compound levels are low and do not pose a risk to health. The Worksafe Program recommended, however, that additional testing be conducted to detect nitrogen dioxide, nitrous oxide, particulate matter (PM_{2.5}) and carbon monoxide levels to compare to permissible exposure limits (ACGIH Threshold Limit Values) as required by the Canada Labour Code Part II.

Our investigation has also learned that charcoal filtration at the air intake valve has worked successfully at other airports with similar concerns.



18. Conclusion

Based on the gap analysis and job hazard analysis, is the complaint justified?


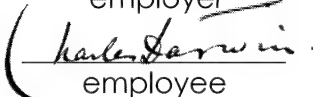
YES ☐ NO ☒ No consensus ☐

List any recommendations.

	Recommendations
1.	Consider Duty to Accommodate
2.	Consider increasing airflow in HVAC
3.	Consider installing charcoal filtration at the air intake valve
4.	Consider requesting that the aircraft be parked away from Warehouse 13
5.	Consider requesting that the jet engines be shut off sooner
6.	
7.	
8.	

19. Signatures

WPHSC members or Health and Safety rep and employer rep Investigation

	DD MM YY
employer	date
	DD MM YY
employee	date



Discussion Worksheet

?

Do you agree with the findings of the WPHSC?

?

Which recommendations, if any, would you be able to consider?

?

What options would now be available to you under the Labour Code?

?

What options are now available to the employee?



Activity 1 – The Five W's

In this written activity, you will review a written notification of a Refusal to Work due to Danger in order to determine the key facts of the perceived danger.

Duration: 10 minutes

Scenario:

- You are a manager/supervisor at a medium sized highway Port of Entry.
- On Sunday, DD/MM/YY, one of your employees, Border Services Officer M. Bijou, presents you with written notice of a Refusal to Work due to Danger.

Instructions:

- Review the document presented on the following pages
- Complete the Fact Sheet using the information provided.



Refusal to Work submitted by the employee

Under the Canadian Labour Code I have the right to refuse work that I believe is dangerous or is unsafe to an employee. I am submitting a work refusal because I believe that processing buses as we have in the past is an unsafe practice and must be changed. I am refusing to enter a bus with passengers, collect declaration cards, and possibly interview the travelers, because I fear for my personal safety, my co-workers safety, and that of the bus passengers.

My concerns with the current practice of one officer going onto a traveler bus to clear passengers are:

- Advance bus passenger lists are no longer being faxed by the transport companies thus queries are not being completed on the occupants. BSOs who go onto the bus are going in blind, they do not know who is on the bus, as well as, if any travelers have warrants, lookouts (armed and dangerous, weapons smuggling, etc.), or charges (assaulting a peace officer, weapons charges, trafficking, etc.).
- Once a BSO has walked past the first row of seats, the BSO's exit can easily be blocked by a passenger or threat, thereby eliminating the officer's only escape route.
- On a bus the BSO has no cover or concealment from a threat.
- BSOs cannot see the passenger's hands, which is an issue of extreme concern. If we cannot see the passenger's hands, we do not know what the passenger could be grabbing/reaching for/accessing.
- BSOs do not have a visual of most passengers and therefore cannot properly evaluate threat cues. Thus it is absolutely impossible to maintain time and distance from a subject.
- Most BSOs cannot walk through the aisle without their belt and tools either hitting the seats or passengers on the bus. This is a huge problem, as it could be easy for a passenger to disarm an officer of any of his or her tools.
- If a use of force situation were to arise, the intervention options a BSO could use are minimal. Armed officers would be put in an unfavorable position if a traveler's behavior was combative or likely to cause death or grievous bodily harm. BSOs would not be able to use O.C., would have extreme difficulty using their defensive baton (as there is no room to extend it), and the decision to draw their sidearm and discharge it would be difficult because of many factors such as background, obstructions, group hysteria or panic, and bystander safety, etc.

Due to the factors listed above, I am refusing to process buses in the manner that management has deemed appropriate.

M. Bijou, BSO



FACT SHEET

WHAT? What is the perceived danger?

WHO? Who is being exposed to the perceived danger?

WHEN? When is the perceived danger likely to occur?



WHERE? Where does the perceived danger occur?

WHY? Why is the danger perceived?



Activity 2 – Heads or Tails?



In this team activity, you will discover additional information needed for the Stage I Investigation Report.

Duration: 10 minutes

Instructions:

- You will be a player on either the *Purple* team or the *Green* team.
- A coin will be flipped to determine which team will begin.
- Each player on the first team will take a turn to flip a coin and call “heads” or “tails”.
- If a correct call is made, the first team will chose to which clue on the game board they would like their team’s token to be moved.
- The clue chosen **MUST** correspond with the winning call.
- The first team will continue to flip the coin and call the result until an incorrect call is made.
- If an incorrect call is made, the second team will chose to which clue on the game board they would like their team’s token to be moved. The clue **MUST** correspond with the actual flip result.
- The players on the second team will now each take a turn flipping the coin and calling the result until an incorrect call is made.
- The game will continue accordingly until all eight clues are revealed.



NOTE

- One point is awarded for each clue revealed.
- No point is awarded for clues already revealed.



Stage I Investigation Report Worksheet

Box 9 Recurring Issue

Box 10 CBSA Policies and Procedures



Box 12 Industry Standard/Best Practice

Box 19 Frequency (of occurrence)

Box 20 Likelihood (of injury if exposed)



Activity 3 – Occupational Hazard Analysis



In this group activity, you will analyze the current work process in order to identify any potential hazards associated with processing bus passengers.

Duration: 10 minutes

Definition: A hazard is anything that can cause harm (e.g. work materials, equipment, work methods and practices).

Scenario:

- You have observed the tasks performed by a BSO when processing bus passengers at your Port of Entry.
- You have documented these actions on a work process chart, presented on the following pages.

Instructions:

- Review each task on the work process chart to identify any potential hazards.
- Record your findings in the space provided.



PROCESSING BUS PASSENGERS

TASK	POTENTIAL HAZARD		DESCRIBE HAZARD
	YES	NO	
1. Primary BSO sends radio transmission that a bus has arrived at the port of entry.	<input type="checkbox"/>	<input type="checkbox"/>	
2. Available/Assigned BSO confirms the radio transmission from the Primary BSO.	<input type="checkbox"/>	<input type="checkbox"/>	
3. Available/Assigned BSO starts the procedure of processing the bus while in the office.	<input type="checkbox"/>	<input type="checkbox"/>	
4. BSO determines if passenger list was provided beforehand and, if so, reviews results of queries ran on the passenger list.	<input type="checkbox"/>	<input type="checkbox"/>	



PROCESSING BUS PASSENGERS

TASK	POTENTIAL HAZARD		DESCRIBE HAZARD
	YES	NO	
5. BSO proceeds to the bus.	<input type="checkbox"/>	<input type="checkbox"/>	
6. BSO communicates with bus driver at the entrance of the bus.	<input type="checkbox"/>	<input type="checkbox"/>	
7. BSO enters the bus.	<input type="checkbox"/>	<input type="checkbox"/>	
8. BSO begins processing the travellers by walking down the aisle from the front of the bus to the back of the bus, collecting E311's and verifying identification.	<input type="checkbox"/>	<input type="checkbox"/>	



PROCESSING BUS PASSENGERS

TASK	POTENTIAL HAZARD		DESCRIBE HAZARD
	YES	NO	
9. BSO makes referrals from the bus.	<input type="checkbox"/>	<input type="checkbox"/>	
10. Referred passengers collect their belongings for examination.	<input type="checkbox"/>	<input type="checkbox"/>	
11. Once the referred passengers have been released, the BSO directs the disembarked passengers back onto the bus.	<input type="checkbox"/>	<input type="checkbox"/>	
12. The BSO confirms with the driver that all passengers are accounted for and the bus is released.	<input type="checkbox"/>	<input type="checkbox"/>	



Activity 4 – Hazard Assessment



In this facilitated group activity, you will complete a hazard assessment of the current procedures for processing bus passengers.

Duration: 10 minutes

Concept: PROBABILITY X SEVERITY = HAZARD LEVEL

Instructions:

- Consider the information resulting from your investigation.
- Complete a hazard assessment of the perceived danger.

Frequency of Occurrence	
Frequent	Occurs one or more times per day
Regular	Occurs one or more times per week
Occasional	Occurs one or more times per month or season
Rare	Occurs rarely or has never occurred, but is possible
<input type="checkbox"/> Frequent <input type="checkbox"/> Regular <input type="checkbox"/> Occasional <input type="checkbox"/> Rare	

Likelihood of Injury Occurring	
Almost Certain	The most likely and expected result
Quite possible	Not an unusual occurrence
Remotely possible	Unusual occurrence but possible, occurred in the past
Unlikely	Has not or never occurred, but is conceivable
<input type="checkbox"/> Almost certain <input type="checkbox"/> Quite possible <input type="checkbox"/> Remotely possible <input type="checkbox"/> Unlikely	

Probability (Frequency x Likelihood)				
Frequency	Likelihood			
	Unlikely	Remotely Possible	Quite Possible	Almost Certain
Frequent	Possible	Likely	Highly Likely	Highly Likely
Regular	Possible	Possible	Likely	Highly Likely
Occasional	Unlikely	Possible	Likely	Likely
Rare	Unlikely	Unlikely	Likely	Likely
<input type="checkbox"/> Highly Likely <input type="checkbox"/> Likely <input type="checkbox"/> Possible <input type="checkbox"/> Unlikely				



Severity	
Critical	Fatality or permanently disabling injury or illness
Severe	Disabling injury resulting in loss of work time
Serious	Minor injury
Minimal	Non-disabling injury
<input type="checkbox"/> Critical <input type="checkbox"/> Severe <input type="checkbox"/> Serious <input type="checkbox"/> Minimal	

Hazard Level Matrix				
Probability	Severity			
	Minimal	Serious	Severe	Critical
Highly Likely	C	B	A	A
Likely	C	C	B	A
Possible	D	C	B	B
Unlikely	D	D	C	C
<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D				

- A This level of hazard is the highest ranking and requires an action plan to identify and implement preventive measures. Hazards at this level are a priority as they could result in a significant disabling injury or possibly pose a danger to employees if adequate preventive measures are not implemented.
- B This level of hazard is also considered to require immediate attention. An action plan should be developed in order to implement appropriate preventive measures.
- C Hazards at this level are not a priority, but should never be ignored. Monitor and investigate incidents to determine whether the rating needs to be adjusted or additional preventive measures considered.
- D Hazards at this level are not of immediate threat to the employee but should not be ignored. No immediate action plan is required.



Activity 5 – Making a decision



This group discussion activity will help you to formulate a decision on whether or not a danger exists.

Duration: 10 minutes

Instructions:

- Discuss the questions below. To assist you in your discussion, utilize the definition of Danger from the Labour Program's Interpretations, Policies and Guidelines (IPGs) which is included in the Resource Package.

?

Based on your investigation, do the current procedures for processing bus passengers pose a danger to employees?

?

What factors led you to arrive at this decision?

?

What actions could you consider taking to help resolve the situation?





Activity 1 – Completing the LAB 1070



In this small group activity, you will identify the relevant facts needed to complete a LAB 1070 Hazardous Occurrence Investigation Report.

Duration: 30 minutes

Instructions

1. Review the accident scenario assigned to you by the facilitator
2. Determine:
 - the type of occurrence
 - the direct cause of the injury
 - the root cause, direct cause and indirect causes of the accident
3. Identify:
 - one corrective measure to prevent similar accidents from occurring
 - one supplementary preventative measure
4. Complete the LAB 1070 provided.
5. Be prepared to present your findings to the other groups.



Scenario One: "My back aches!"

Twenty eight year old employee Angelo Verde injures his back at 2:38 on the afternoon of May 20, 20XX. He is a BSO with 5 years' experience. He is diagnosed with a sprained back muscle and is unable to report to work for two full days.

Why?

I over-exerted myself trying to cut a seal bolt from a container.



Why?

The bolt cutter wouldn't cut through.



Why?

The bolt cutter blades were too dull.



Why?

The bolt cutter blades have not been sharpened lately.



Why?

The recommended maintenance was not done.



Why?

Our office been busy with other work priorities.

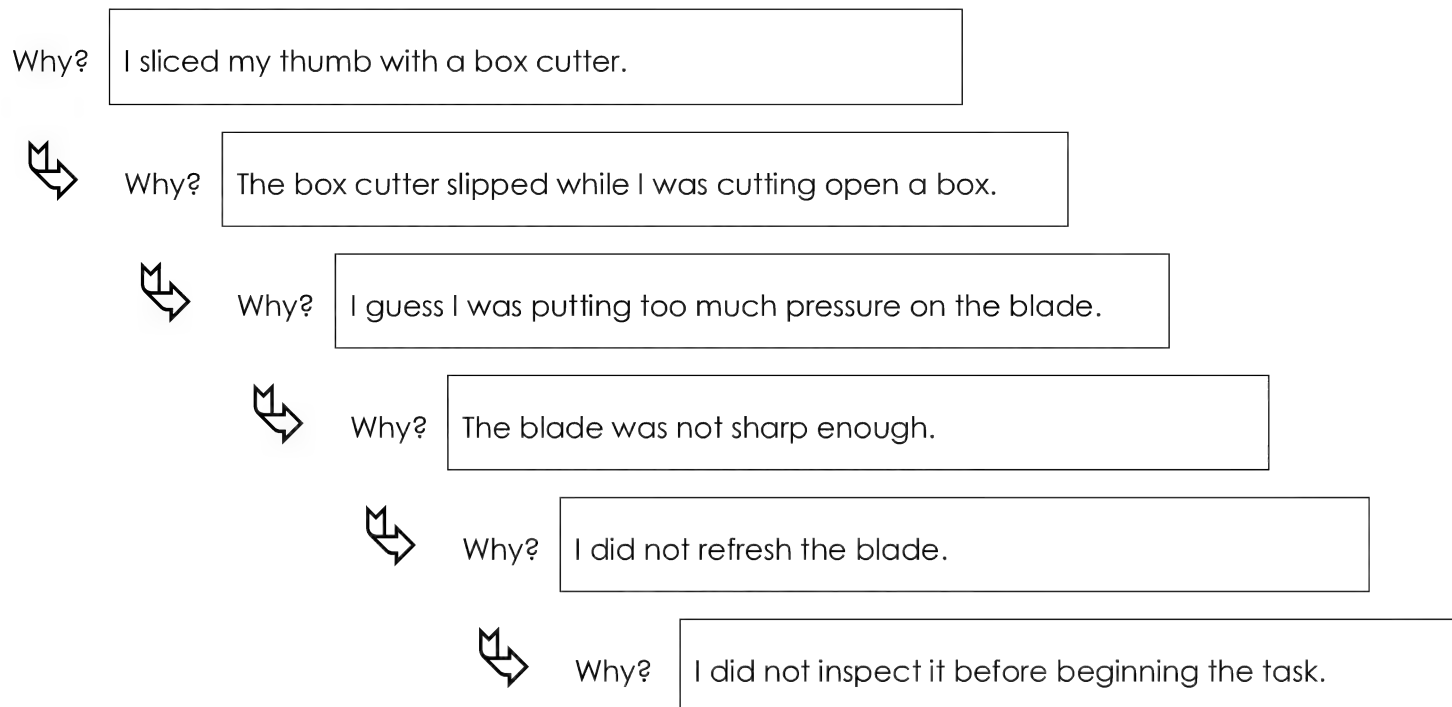
NOTE:

If the "why" response is something that cannot be controlled, the previous "why" response is likely the root cause.



Scenario Two: "I'm bleeding!"

Thirty three year old employee Violet Li slices open her left thumb at 10:07 on the morning of September 12, 20XX. She is an administrative assistant with 8 years' experience. Her laceration requires stitches and she is unable to report to work for one full day.



NOTE: If the "why" response is something that cannot be controlled, the previous "why" response is likely the root cause.



Scenario Three: "I busted my wrist!"

Forty six year old employee Ruby Szawlowski suffers a fall while taking a "fresh air" break at 7:02 on the morning of March 15, 20XX. She is a Senior Program Advisor with 26 years' experience. Her wrist is fractured in two places and her doctor indicates she may be off work for up to five weeks.

Why? I automatically put my arm out to break my fall.



Why? I lost my balance.



Why? My feet slipped out from under me.



Why? The walkway was icy.



Why? Property maintenance had not yet cleared and/or salted the walkway.



Why? It was still quite early in the morning.

NOTE: If the "why" response is something that cannot be controlled, the previous "why" response is likely the root cause.



PARTICIPANT'S EVALUATION

Please complete this evaluation at the end of the workshop.

1. Workplace: _____ Type of Work Environment: _____
2. Date: of Workshop (DD) ____ (MM) ____ (YY) ____
3. How much experience do you have in applying the subject matter covered in this workshop? _____ years _____ months
4. How would you rate your knowledge and skill levels in the subject matter BEFORE attending this workshop?

Low						High
	→					
	1	2	3	4	5	
5. How would you rate your knowledge and skill levels in the subject matter AFTER attending this workshop?

1	2	3	4	5
---	---	---	---	---
6. Overall, what is your level of satisfaction with this workshop?

1	2	3	4	5
---	---	---	---	---
7. What is your confidence level in applying the processes covered in this workshop when you return to your job?

1	2	3	4	5
---	---	---	---	---
8. How could the workshop material be enhanced to better suit your needs?

9. Is there anything else that would have improved this workshop? If so, please describe.



10. Please describe any aspects of this workshop that you particularly liked or disliked.

11. Other comments:

Name (optional) _____

Thank you for sharing your opinions with us!



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Occupational Health and Safety Best Practices for Managers and Supervisors

Occupational Health and Safety Program

H3045-N

March 2016

Workshop Facilitation Guide

Training and Development Directorate

PROTECTION

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SERVICE

INTÉGRITÉ

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Canada



The Training and Development Directorate, Canada Border Services Agency, developed this material in partnership with the Occupational Health and Safety Division. The content was reviewed for technical accuracy in June 2015.

Examples and scenarios have been created using fictional names. Any resemblance to persons real, imaginary, or deceased is purely coincidental. There is no intention for examples to depict stereotyping on any basis.

Unless otherwise stated, whenever the masculine pronoun is used, both men and women are included.

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The Training and Development Directorate maintains the master version of this document.

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Workshop Pre-requisite:

Participants must have completed online course H3034-N – *Occupational Health and Safety for Managers and Supervisors* before attending this workshop.

Workshop Set-up Requirements

For this workshop, you will need:

A) Reference documents:

- Labour Interpretive Policy Guideline Definition of Danger 905-1-IPG-062

B) Familiarity with the following:

- *Canada Labour Code*. Part II

C) Additional items:

- ☐ Online facilitation aid (*click_me.html* file in training materials folder on OMEGA drive)
- ☐ Twenty-Twenty playing cards (1 deck)
- ☐ A large coin (not provided) for coin toss activity
- ☐ LAB 1070 *Hazardous Occurrence Investigation Report* (available in resource package)
- ☐ Material for participants:
 - Activity Booklet
 - Resource Package



Facilitation Recommendations

The workshop is designed to fully engage participants as they further develop the knowledge and skills learned from the online product “Occupational Health and Safety for Managers and Supervisors”.

The facilitation guide is basically a “script” detailing how to facilitate the workshop. The facilitation notes include timing, activity instructions and any additional information needed to relate the activities to the process being followed. You will introduce each activity, review any concepts needed for each activity, monitor activity progress and provide direction as needed to keep the workshop on track.

The outcomes for the activities are largely based on group consensus, and as such, may differ slightly in each workshop. There are no correct answers for the activities. The objective is simply to develop the participants’ understanding of the intent behind the OHS processes they will be completing on the job.

A few additional tips:

- Thoroughly review this material prior to facilitating the workshop.
- Watch the time carefully in order to ensure you are able to cover all of the material.
- Encourage participants to be active and engage in their own learning.

Workshop Timing

Workshop Element	Duration
Introduction	10 min
Internal Complaint Resolution Process	50 min
Refusal to Work due to Danger	50 min
Accident Investigation	30 min
Wrap Up	10 min
Total Duration:	2.5 hours



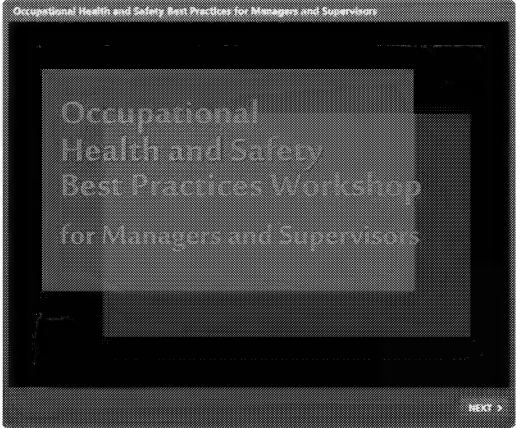

Facilitation Notes Legend

The following icons may appear in the facilitation guide and are intended to assist the facilitator during delivery.





Introduction

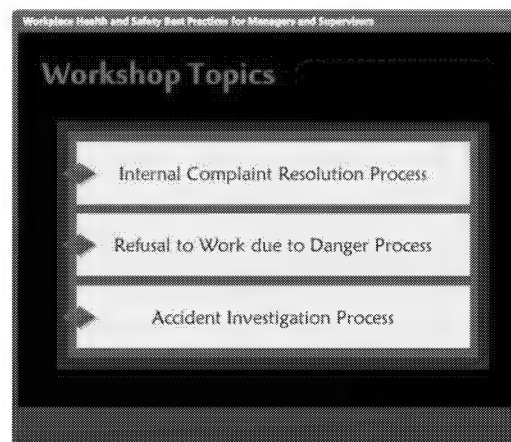
5 min	<p>Display <i>Occupational Health and Safety Best Practices Workshop for Managers and Supervisors</i></p>	
5 min	<p>State:</p> <p><i>“Welcome to the Occupational Health and Safety Best Practices Workshop for Managers and Supervisors”.</i></p> <p>Introduce yourself:</p> <ul style="list-style-type: none"> - Name - Role in workshop <p>Take care of logistics:</p> <ul style="list-style-type: none"> - location of washrooms - break - etc. <p>Round table introductions:</p> <ul style="list-style-type: none"> - Name - Workplace - Expectation of workshop 	



Introduce the workshop:

“During this workshop, you will apply Occupational Health and Safety best practices in order to develop the knowledge and skills you acquired in the online course *Workplace Health and Safety for Managers and Supervisors*.”

Display *Workshop Topics*



State:

“This workshop will give you the opportunity to work your way through three important workplace health and safety processes you will engage in as a manager / supervisor:

1. Internal Complaint Resolution Process
2. Refusal to Work due to Danger Process
3. Accident Investigation Process

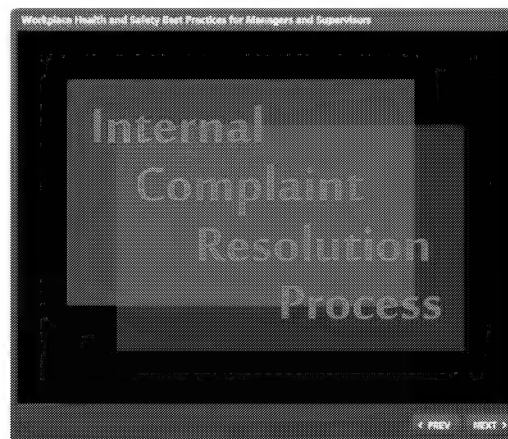
Mastering these processes will help you to maintain efficiencies in your workplace and ensure the health and safety of your employees.”

Ask if there are any questions?



Internal Complaint Resolution Process

Display *Internal Complaint Resolution Process*



5 min

Introduce topic:

- The Internal Complaint Resolution Process was developed to allow employees to raise any health and safety concern with their supervisor and be assured that the concern will be dealt with promptly.
- As a manager or supervisor, it is critical that you accept the complaint as a genuine concern, address it immediately and, most importantly, that you do not do or say anything that may be construed as a threat of disciplinary or discriminatory action.
- The Internal Complaint Resolution Process is prescribed in Subsection 127.1 of the *Canada Labour Code*, Part II.

Advise participants that the *Internal Complaint Resolution Process* flowchart has been included in the Resource Package for this workshop.

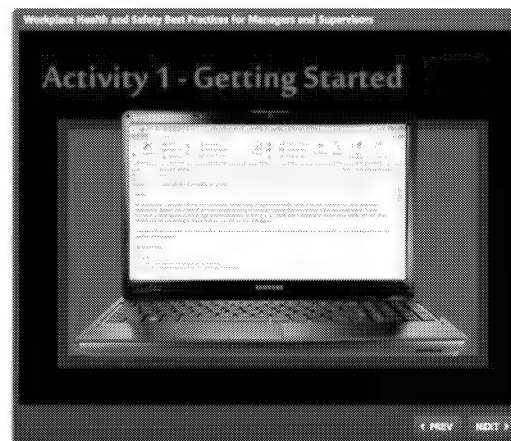


10 min

Activity 1 - Getting Started

In this group brainstorming activity, the participants will determine an action plan for investigating the complaint.

Display *Activity 1 - Getting Started*



Introduce the activity:

- Refer participants to *Activity 1 - Getting Started* (Page 2 in the Activity Booklet).
- Review activity instructions with participants.

During the activity:

- Monitor progress and provide direction as needed.

Once the activity has been completed:

- Discuss activity findings with the participants.

Ask if there are any questions.

Advise participants that the *ICRP Checklist* form has been included in the *Resource Package* for this workshop.

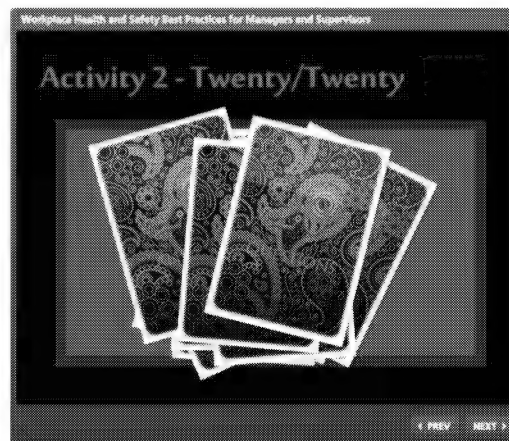


10 min

Activity 2 - Twenty/Twenty

In this group activity, participants will gather the facts needed to formulate a decision.

Display *Activity 2 - Twenty/Twenty*



Introduce the activity:

- Refer participants to *Activity 2 - Twenty/Twenty* (Page 4 in the Activity Booklet).
- Review the game instructions with participants.
- Deal out Twenty/Twenty cards to participants.

During the activity:

- Monitor the game and provide direction as needed.

If participants raise concerns about correctly matching questions with answer, you can inform them that the cards are colour co-ordinated.

Once the activity has been completed:

- Discuss activity findings with the participants.

Ask if there are any questions.

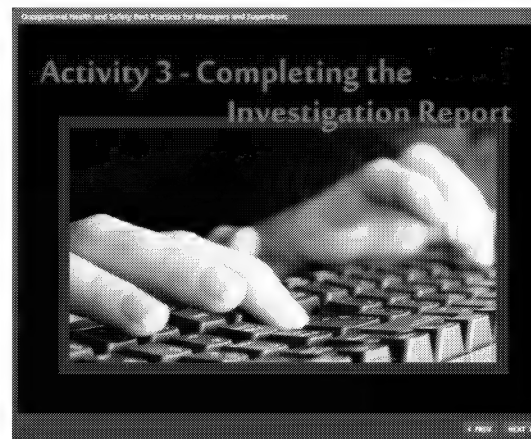


15 min

Activity 3 – Completing the Investigation Report

In this group activity, participants will complete the Investigation Report using the information gathered during the previous activity.

Display *Activity 3 – Completing the Investigation Report*



Introduce activity:

- Refer participants to *Activity 3 – Completing the Investigation Report* (Page 7 in the Activity Booklet).
- Review activity instructions with participants

During the activity:

- Review and complete each section of the form with participants.
- Ask participants to provide the appropriate information for each section.

Once the activity has been completed:

Ask if there are any questions.

Advise participants that a copy of the ICRP Investigation Report form has been included in the Resource Package for this workshop.

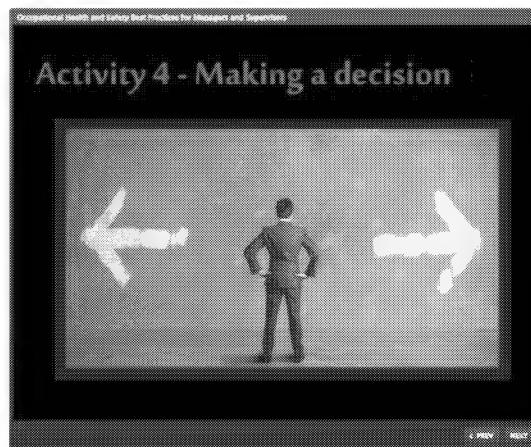


5 min

Activity 4 - Making a decision

In this group discussion activity, participants will discuss the results of their investigation in order to determine whether or not the complaint is justified.

Display *Activity 4 - Making a decision*.



Introduce activity:

- Refer participants to *Activity 4 - Making a decision* (Page 15 in the Activity Booklet).
- Review activity instructions with participants

During the activity:

- Monitor progress and provide direction as needed.

Once the activity has been completed:

- Debrief conclusions

Ask if there are any questions.

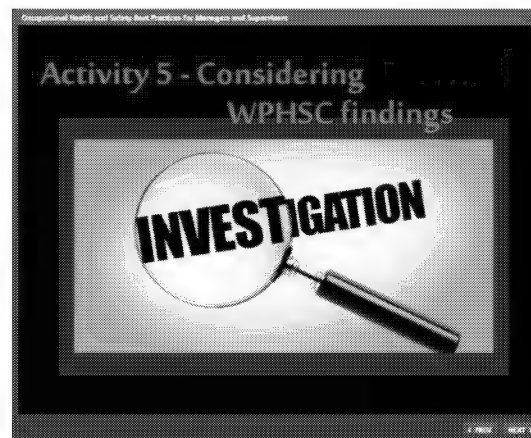


5 min

Activity 5 – Considering WPHSC findings

In this group discussion activity, participants will review the Investigation Report prepared by the local WPHSC and determine whether or not they agree with the findings.

Display *Activity 5 – Considering WPHSC findings*.



Introduce activity:

- Refer participants to *Activity 5 – Considering WPHSC findings* (Page 16 in the Activity Booklet).
- Review activity instructions with participants.

During the activity:

- Generate a discussion around the WPHSC's findings and recommendations.

Once the activity has been completed:

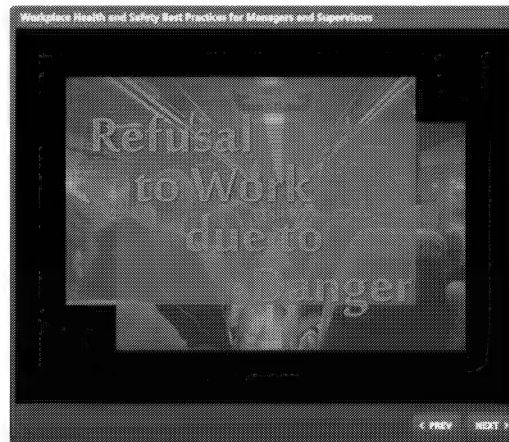
Ask if there are any questions.

Advise participants that the *ICRP Management Corrective Action* form and the *Referral to the Minister of Labour* form have been included in the Resource Package for this workshop.



Refusal to Work due to Danger

Display *Refusal to Work due to Danger*



5 min

Introduce the topic:

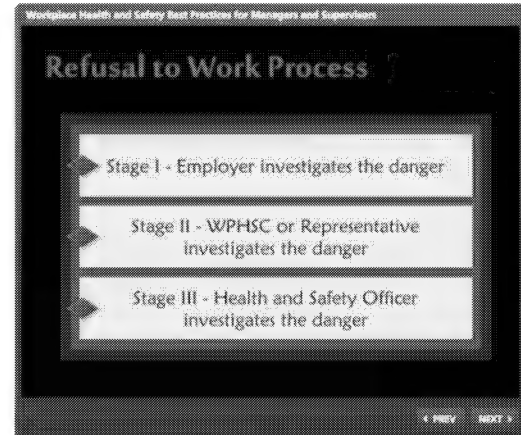
- An employee may refuse to use or operate a machine or thing at work, refuse work in a place, or refuse to perform an activity if the employee has reasonable cause to believe that:
 - a. the use or operation of the machine or thing constitutes a danger to the employee or to another employee;
 - b. a condition exists in the place that constitutes a danger to the employee; or
 - c. the performance of the activity constitutes a danger to the employee or to another employee.
- It is essential that employees, managers, supervisors and other personnel, such as labour relations officers and occupational health and safety staff, clearly understand the employee's rights and the intent of the circumstances under which an employee may perceive that he or she is in a situation of perceived danger.
- The Refusal to Work Process is prescribed in Section 128 of the *Canada Labour Code*, Part II.

Advise participants that the *Work Refusal Process* flowchart and the *Referral to the Minister of Labour* flowchart have been included in the Resource Package for this workshop.



Refusal to Work Process

Display *Refusal to Work Process*



Ask participants to name the three stages in the Refusal to Work process.

Responses:

- Stage I - Employer investigates the danger
- Stage II - WPHSC or Representative investigates the danger
- Stage III - Health and Safety Officer investigates the danger

State:

"As a manager or supervisor, you have a role to play in all three stages of the Refusal to Work process. This workshop focuses on the tasks you will complete in Stage I."

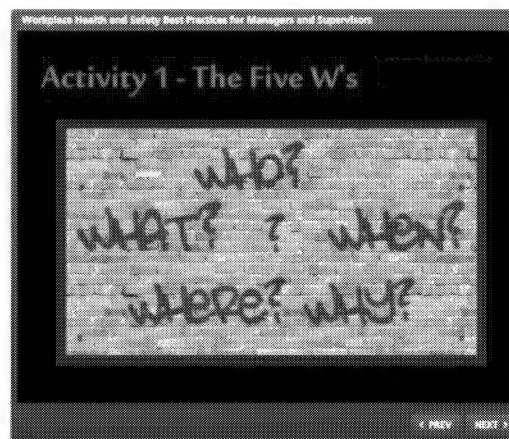


10 min

Activity 1 - The Five W's

In this written activity, participants will research a perceived danger in a Work Refusal simulation.

Display *The Five W's*



Introduce the activity:

- Refer participants to *Activity 1 - The Five W's* (Page 25 in the Activity Booklet).
- Review instructions with participants

During the activity:

- Monitor progress and provide direction as needed.

Once the activity has been completed:

- Discuss activity findings with the participants.

Ask if there are any questions.

Advise participants that the *Refusal to Work Checklist* form has been included in the Resource Package for this workshop.

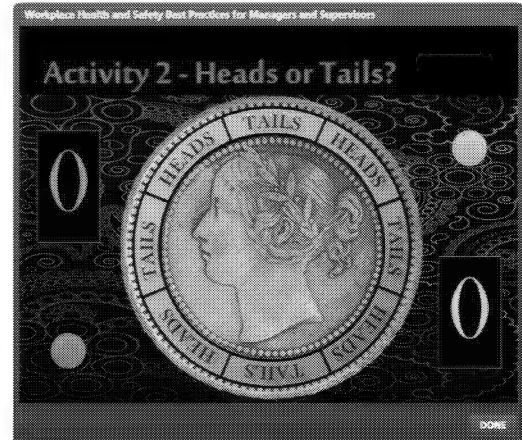


10 min

Activity 2 - Heads or Tails?

In this team activity, participants will play a learning game to discover additional information needed for the Stage I Investigation Report.

Display *Activity 2 - Heads or Tails?*



Introduce activity:

- Refer participants to *Activity 2 - Heads or Tails* (Page 29 in the Activity Booklet).
- Review the game instructions with participants
- Divide the class into two teams - *Purple* and *Green*.
- Direct participants to complete the Investigation Worksheet as clues are revealed.
- Explain that each clue will indicate to which section of the Stage I Investigation Report the information best pertains.

During the activity:

- Move each team's token to clues around the game board, as directed by the respective team.

Once the activity has been completed:

- Ask if there are any questions.



15 min

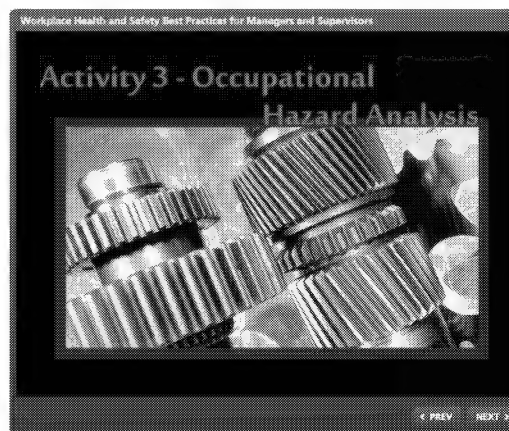
Activity 3 – Occupational Hazard Analysis

In this group written activity, participants will analyze the work process for processing bus passengers to identify aspects that could pose a hazard to the employee.

State:

“Sometimes your investigation of the perceived danger will require you to complete an Occupational Hazard Analysis.”

Display *Activity 3 - Occupational Hazard Analysis*



Introduce the activity:

- Refer participants to *Activity 3 – Occupational Hazard Analysis* (Page 32 in the Activity Booklet).
- Review activity instructions with participants.
- Direct participants to complete the activity in pairs.

During the activity:

- Monitor progress and provide direction as needed.

Once the activity has been completed:

- Ask if there are any questions.



10 min

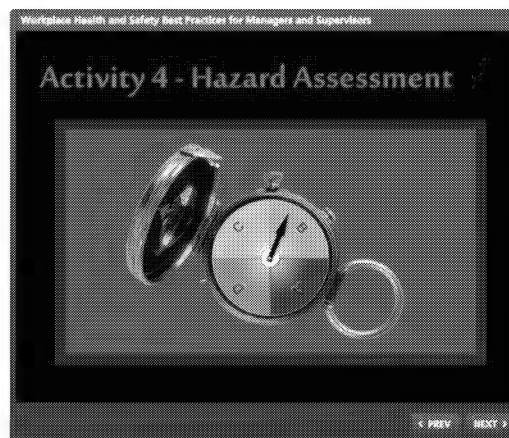
Activity 4 – Hazard Assessment

In this group written activity, participants will conduct a hazard assessment by analyzing the danger associated with the current procedures for processing bus passengers.

Conducting the hazard assessment is one of the key elements in completing your investigation and requires an analysis of several aspects of the perceived danger, including:

- Frequency of occurrence to the danger;
- Likelihood of injury if exposed to the danger;
- Probability of the injury occurring; and
- Severity of injury if it occurs.

Display *Activity 4 – Hazard Assessment*



Explain:

You will analyze the danger using the Hazard Assessment Process developed under the Hazard Prevention Program. It is based on the formula:

$$\text{PROBABILITY} \times \text{SEVERITY} = \text{LEVEL OF HAZARD}$$

In order to determine the probability, we will examine two factors: frequency of occurrence and likelihood of injury.



Introduce the activity:

- Refer participants to *Activity 4 – Hazard Assessment* (Page 36 in the Activity Booklet).
- Review activity instruction with participants.

During the activity:

- Facilitate the activity by walking participants through each step of the hazard analysis.
- Encourage open discussion.
- Try to reach consensus for each table if possible.

Once the activity has been completed:

- Discuss activity findings with the participants.

Ask if there are any questions.

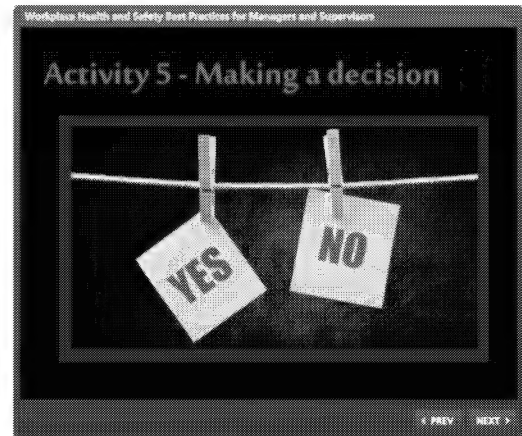


5 min

Activity 5 – Making a decision

In this group discussion activity, the participants will review the results of their analysis to determine whether or not danger exists when processing bus passengers using the current procedures.

Display *Activity 5 – Making a decision*



Introduce the activity:

- Refer participants to *Activity 5 – Making a decision* (Page 38 in the Activity Booklet).
- Review activity instructions with participants.

During the activity:

- Monitor progress and provide direction as needed.

Once the activity has been completed:


- Discuss activity findings with the participants.

Ask if there are any questions.

Advise participants that the *Refusal to Work Investigation Report* forms have been included in the Resource Package for this workshop.



Accident Investigation

	<p>Display <i>Accident Investigation</i></p> 
5 min	<p>Introduce topic:</p> <p>“When an accident occurs in the work place, one of your immediate responsibilities is to investigate the accident.</p> <p>Part XV of the <i>Canada Occupational Health and Safety Regulations</i> requires that you use the form LAB 1070 Hazardous Occurrence Investigation Report for recording hazardous occurrence investigations.</p>



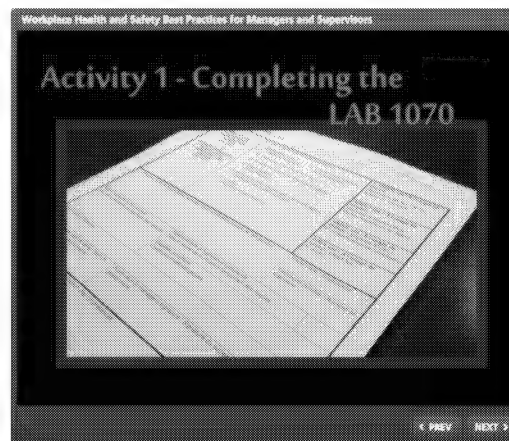
30 min



Activity 1 - Completing the LAB 1070

In this small group activity, participants will review an accident scenario and complete a LAB 1070 *Hazardous Incident Occurrence Form*.

Display *Activity 1 - Completing the LAB 1070*



Introduce the activity:

- Refer participants to *Activity 1 - Completing the LAB 1070* (Page 40 in the Activity Booklet).
- Divide the participants into three groups.
- Provide a LAB 1070 to each group.

Advise participants that the *Hazardous Occurrence Investigation Report Lab1070* has been included in the Resource Package for this workshop.

During the activity:

- Monitor progress and provide direction as needed.

Once the activity has been completed:

- Ask each group to present their LAB 1070.

Ask if there are any questions.



Wrap Up

15 min



Distribute Workshop Evaluation Forms:

- Ask participants to complete the form
- Collect the forms



Distribute Workshop Completion Certificates

State:

“As a manager or supervisor, you are an important member of the agency-wide Occupational Health and Safety team committed to maintaining the health and safety of employees in the CBSA workplace.

During this workshop, you have had the opportunity to apply your knowledge and skills in order to complete the main Occupational Health and Safety processes for which you are responsible.”

Provide important resource and networking information:

- OHS Website

Thank participants for attending the workshop.



Rants & Raves

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Your feedback is very important to us. Please send your comments to:

Occupational Health and Safety Division
Canada Border Services Agency
18th Floor, 100 Metcalfe Street,
Ottawa, Ontario K1A 0L8



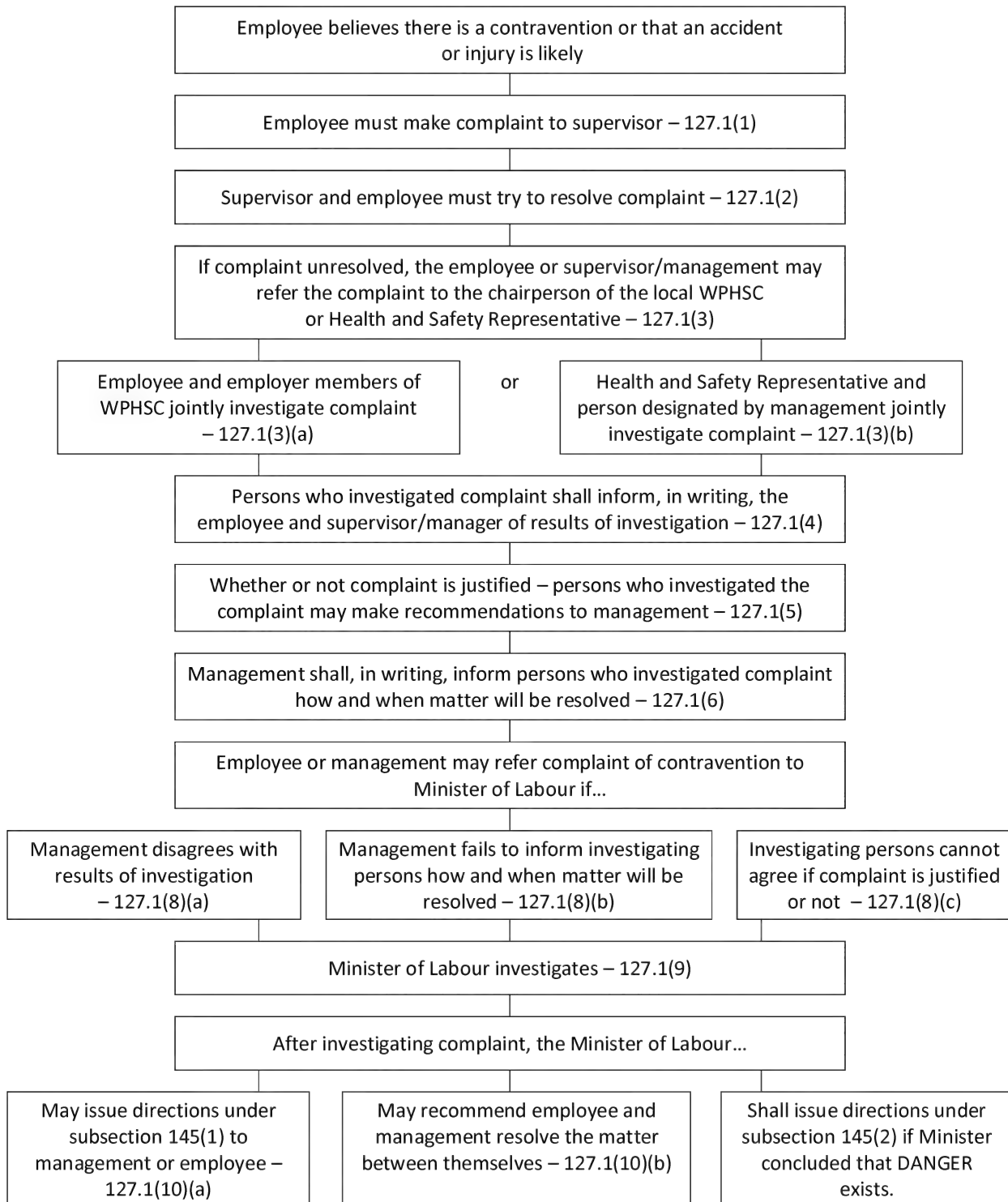


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1. Internal Complaint Resolution Process
2. ICRP Investigation Checklist
3. Investigation Report
4. ICRP Management Corrective Action
5. ICRP Referral to the Minister of Labour
6. Refusal to Work Process
7. Refusal to Work Referral to the Minister of Labour
8. Refusal to Work Checklist
9. Stage I - Refusal to Work Investigation Report – Investigation by Manager
10. Stage II – Refusal to Work Investigation Report – Investigation by Work Place Health and Safety Committee or Health and Safety Representative
11. Stage III – Refusal to Work Investigation Report – Supplemental Information Corrective Action
12. LAB 1070 Hazardous Occurrence Investigation Report
13. Definition of “Danger”



Internal Complaint Resolution Process





Internal Complaint Resolution Process - Investigation Checklist

Many occupational health and safety complaints can be resolved satisfactorily by following the procedures set out below. In this way, the level of collaboration between the employee and employer is improved and issues may be resolved without the need for the matter to be taken further. This process allows for the resolution of work place health and safety issues in a more timely and efficient manner and reinforces the concept of the internal responsibility system.

Reference Canada Labour Code Part II, Section 127

✓	Management investigation of OHS complaint
<input type="checkbox"/>	The ICRP Investigation Report template may be used to document information gathered during the investigation.
<input type="checkbox"/>	Interview Employees
<input type="checkbox"/>	Determine if issue has been dealt with elsewhere.
<input type="checkbox"/>	Consult with Regional/National OHS, Regional Management, Branches, and External stakeholders, if needed.
<input type="checkbox"/>	Review relevant CBSA Policies and/or procedures.
<input type="checkbox"/>	Review manufacturer information.
<input type="checkbox"/>	Determine if there is a relevant industry standard or best practice.
<input type="checkbox"/>	Determine if engineering/administrative controls are functioning and sufficient.
<input type="checkbox"/>	Review personal protective equipment being used, where applicable to the hazard. Verify training and maintenance.
<input type="checkbox"/>	Review hazardous occurrence reports (Lab 1070)
<input type="checkbox"/>	Review Workplace Health and Safety Committee minutes.
<input type="checkbox"/>	Inspect the worksite, observe processes, determine if procedures are being followed, PPE worn....
<input type="checkbox"/>	Review/complete a hazard assessment/job hazard analysis.
<input type="checkbox"/>	Identify gaps between information gathered on policies, procedures and observations and determine if complaint is justified.
<input type="checkbox"/>	Determine if the complaint is justified and implement corrective action, if required.
<input type="checkbox"/>	If unable to resolve complaint with employee(s), refer the complaint to the Workplace Health and Safety Committee.
	Workplace Health and Safety Committee or HS Representative Investigation
<input type="checkbox"/>	Investigate using the ICRP Investigation Report template.
<input type="checkbox"/>	Sign and send completed report to management.
	Management Review of Workplace Health and Safety Committee or HS Representative Report
<input type="checkbox"/>	Review the WHSC/rep Investigation Report.
<input type="checkbox"/>	Does management agree with the conclusions of the investigators?
<input type="checkbox"/>	If the WHSC/investigating team do not reach consensus, refer the complaint to the Labour Program.
<input type="checkbox"/>	Consult with Regional/National OHS, Regional Management, Branches, and External stakeholders, if needed.
<input type="checkbox"/>	If management agrees with the WHSC/rep that the complaint is justified, implement corrective measures and provide a copy of completed report outlining corrective measures and dates of implementation to the WHSC/representative and employee using the <i>ICRP Management Corrective Measures Report</i> .
<input type="checkbox"/>	If management does not agree with the WHSC/investigating team report, refer the complaint to the Labour Program.



Referral to Labour Program	
<input type="checkbox"/>	Notify Regional management, Regional OHS Advisor of intent to refer to Labour Program
<input type="checkbox"/>	Provide the Labour Program with the completed Investigation Report, including associated documentation reviewed during the investigation.
<input type="checkbox"/>	Provide additional information to the Labour Program, when requested.
Labour Program Report	
<input type="checkbox"/>	If the Labour Program determines 'danger' under 145.(2), and issues a direction, management must discontinue dangerous work and implement the direction(s) immediately or within the timeline specified in the direction(s).
<input type="checkbox"/>	If the Labour Program issues a direction(s) for a violation, implement the direction(s) within the specified timeline, if given.
<input type="checkbox"/>	If the Labour Program recommends the employee and management resolve the matter between themselves, initiate further discussion with the employee asap.
<input type="checkbox"/>	Provide a copy of the Labour Program Report and Direction or Assurance of Voluntary Compliance (AVC), if issued, to the WHSC/rep, employee, Regional Management, Regional and National OHS Advisors and other stakeholders, where implicated.
<input type="checkbox"/>	If required, prepare a written reply within the time period specified in the Direction, in consultation with Regional and National OHS, to the Labour Program with corrective measures, including dates when corrective measures will be implemented.
<input type="checkbox"/>	Provide a copy of the afore-mentioned reply to the WHSC/rep and complainant.
<input type="checkbox"/>	Provide written notification to the complainant, WHSC/rep, Regional Management and Regional OHS when corrective measures have been completed. If directed, notify the Labour Program when corrective measures are completed.
<input type="checkbox"/>	The National OHS Division will submit an appeal to the appeals officer within 30 days if management disagrees with the direction.



OCCUPATIONAL HEALTH AND SAFETY COMPLAINT - PLAINTE DE SANTÉ ET SÉCURITÉ AU TRAVAIL INVESTIGATION REPORT - RAPPORT D'ENQUÊTE

***This report can be used by management, if required and by the workplace health and safety committee
Ce rapport peut être utilisé par le gestionnaire au besoin et par le comité local de santé et de sécurité***

Identification of Parties - Identification des parties

Section 1:

Manager/Immediate Supervision - Gestionnaire/superviseur immédiat

Name - Nom	Email Address - Adresse électronique
Work Telephone Number - Numéro de téléphone au travail	Business Mobile Number - Numéro de téléphone mobile d'affaires

Section 2:

Employee(s) - Employée (e)s

Name - Nom	Email Address - Adresse électronique
Work Telephone Number - Numéro de téléphone au travail	Business Mobile Number - Numéro de téléphone mobile d'affaires

Additional Names - Noms additionnels

Section 3:

Investigator Names - Noms des enquêteurs

Employer - Employeur	Employee - Employé
----------------------	--------------------

Description of Complaint - Description de la plainte

Section 4:

Location of Complaint - Lieu de la plainte

Section 5:

Reported to Supervisor - Signalement au gestionnaire

(YYYY-MM-DD)
(AAAA-MM-JJ)

Date

Time - Heure

Section 6:

Detailed Description of Complaint - Description détaillée de la plainte

Section 7:

Interview Employee(s) - Entrevue avec l'Employé

a - What does the employee believe has been a contravention to the Canada Labour Code (CLC) Part II?

Quelle situation l'employé considère-t-il comme constituant une contravention à la partie II du code canadien du travail?

b - Why does the employee believe that there is likely to be an accident or injury to health arising out of, linked with or occurring in the course of employment?

Pourquoi l'employé croit-il que cette situation est susceptible de résulter un accident ou une maladie liée à l'occupation d'un emploi ?

127.1 (1) An employee who believes on reasonable grounds that there has been a contravention of this Part or that there is likely to be an accident or injury to health arising out of, linked with or occurring in the course of employment shall, before exercising any other recourse available under this Part, except the rights conferred by sections 128, 129 and 132, make a complaint to the employee's supervisor.

127.1 (1) Avant de pouvoir exercer les recours prévus par la présente partie -- à l'exclusion des droits prévus aux articles 128, 129 et 132 --, l'employé qui croit, pour des motifs raisonnables, à l'existence d'une situation constituant une contravention à la présente partie ou dont sont susceptibles de résulter un accident ou une maladie liés à l'occupation d'un emploi doit adresser une plainte à cet égard à son supérieur hiérarchique.

Section 8:

Recurring Issue - Récurrence

a - Determine if the issue has been previously raised elsewhere (consult with Regional/National OHS).

Déterminer si la question a déjà été soulevée ici ou ailleurs (consulter le conseiller régional/national en SST).

b - If yes, what was the result of the investigation?

Dans l'affirmative, quel était le résultat de l'enquête?

Section 9:

Review CBSA Policies and/or Procedures - Examen des politiques et /ou procédures de l'ASFC

a - Is there a CBSA policy and/or procedure that address the situation? (Review applicable policies and procedures and provide details on the relevant sections. Example: Enforcement Manuals, Program Manuals, Operational Bulletins, Arming Policies.)

Existe-t-il une politique ou une procédure de l'ASFC qui traite de cette situation? (Examinez les politiques et procédures applicables et fournissez des précisions au sujet des sections pertinentes, p. ex. manuels d'exécution des lois, manuels de programmes, bulletins opérationnels, politiques en matière d'armement.)

Example:

Fumigant Program User Guide

OPERATIONAL BULLETIN: PRG-2014-35

TITLE: Fumigant Procedures for Inland Sufferance Warehouse Examinations

Exemple :

Guide d'utilisateur du Programme sur les fumigants

BULLETIN OPÉRATIONNEL : PRG-2014-35

TITRE : Procédures relatives à l'examen des fumigants effectué dans les entrepôts d'attente intérieurs

☐ Yes
Oui

☐ No
Non

b - Has the employee been trained on the above-mentioned policy/procedures/manual/bulletins?

(Example: Is employee aware of bulletin and been trained in the procedures?)

Est-ce que l'employé a reçu une formation sur les politiques, procédures, manuels ou bulletins susmentionnés? (Exemple : L'employé est-il au courant du bulletin et est-ce qu'il a reçu une formation sur les procédures?)

☐ Yes
Oui

☐ No
Non

c - Are the above-mentioned CBSA policies and procedures being followed? (Interview employees and determine if they are aware of bulletin and observe to ensure that employees follow the procedures. If no, describe the deficiency.)

Les politiques et les procédures sont-elles suivies? (Interrogez les employés et déterminez s'ils sont au courant du bulletin, et observez les employés pour vérifier s'ils suivent les procédures. Dans la négative, veuillez préciser les lacunes.)

Example:

Material Safety Data Sheets for the 10 toxic industrial chemicals not available in the workplace

Exemple :

Les fiches signalétiques pour les 10 produits chimiques industriels toxiques ne se trouvent pas au lieu de travail.

☐ Yes
Oui

☐ No
Non

Section 10:

Manufacturer Information - Renseignements du fabricant

a - Are manufacturer's instructions and maintenance procedures relevant to the equipment or personal protective equipment, if applicable?

Les instructions et les procédures d'entretien du fabricant se rapportent-elles à l'équipement ou à l'équipement de protection individuelle, s'il y a lieu?

Example:

The manufacturer's maintenance procedures for protective vests are outlined in the

CBSA Uniform Policy and Standards of Appearance

5.0 Protective Vests

5.3 Life Cycle, Maintenance, Cleaning, Storage, Inspection and Replacement

Exemple :

Les procédures d'entretien du fabricant pour les gilets de protection sont décrites dans la Politique relative

aux uniformes et normes quant à l'apparence en vigueur à l'ASFC

5.0 Gilets de protection

5.3 Cycle de vie, entretien, nettoyage, entreposage, inspection et remplacement

☐ Yes
Oui

☐ No
Non

☐ Not Applicable
Sans objet

b - Are the manufacturer's instructions and maintenance procedures being followed, if applicable? (If no, describe the deficiency.)

Les instructions et procédures d'entretien du fabricant sont-elles suivies, s'il y a lieu? (Dans la négative, veuillez préciser les lacunes.)

☐ Yes
Oui

☐ No
Non

☐ Not Applicable
Sans objet

Section 11:

Industry Standards / Best Practice - Normes de l'industrie / Pratiques exemplaires

a - Is the industry standard or best practice being met by the situation/task? (*Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted industry standard. Observe the task/situation. Interview employees and management. If no, detail where the practise is not met.*)

La situation ou la tâche correspond-elle aux normes ou pratiques exemplaires de l'industrie? (*Consultez le conseiller régional en matière de santé et de sécurité au travail [SST], le conseiller national en SST, d'autres organismes qui réalisent des tâches semblables comme des organismes d'application de la loi. Pratique étant devenue une norme acceptée de l'industrie. Observez la tâche ou la situation. Interrogez les employés et la direction. Dans la négative, veuillez préciser les lacunes de la pratique employée.*)

Example:

Observe the task and compare and analyse the CSA Standard Z96-02 High-Visibility Safety Apparel Reflective Vests.

Exemple :

Observez la tâche et comparez et analysez la norme CSA Z96-02 Vêtements de sécurité à haute visibilité (gilets réflecteurs).

☐ Yes
Oui

☐ No
Non

☐ Not Applicable
Sans objet

b - Is there a best practise for the situation/task? (*Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted best practice by the industry. Observe the task/situation. Interview employees and management. If no, detail where the practise is not met.*)

Existe-t-il une pratique exemplaire qui s'applique à la situation ou à la tâche? (*Consultez le conseiller régional en SST, le conseiller national en SST, d'autres organismes qui réalisent des tâches semblables comme des organismes d'application de la loi. Pratique étant devenue une pratique exemplaire acceptée de l'industrie. Observez la tâche ou la situation. Interrogez les employés et la direction. Dans la négative, veuillez préciser les lacunes de la pratique employée.*)

Example:

There is no industry standard regarding an Outdoor Firing Range. Therefore, the CBSA collaborated with the RCMP and adapted their procedures to fit CBSA needs. CBSA Standards on Firing Ranges was created to fill this gap using a "best practise."

Exemple :

Il n'existe pas de norme de l'industrie concernant les champs de tir extérieurs. L'ASFC a donc collaboré avec la Gendarmerie royale du Canada pour adapter les procédures de cette dernière de manière à ce qu'elles répondent aux besoins de l'Agence. Ainsi, les normes de l'ASFC sur les champs de tir ont été créées pour combler cette lacune à l'aide d'une « pratique exemplaire ».

☐ Yes
Oui

☐ No
Non

☐ Not Applicable
Sans objet

Section 12:

Engineering and/or Administrative Controls - Mesures d'ingénierie ou administratives

a - Are there any engineering controls in place to reduce exposure to the hazard? (*Such as mechanical, physical barriers, ventilation, shielding, machine guards, etc.*)

Existe-t-il des mesures d'ingénierie en place pour réduire l'exposition au danger? (*P. ex. des barrières mécaniques et physiques, de la ventilation, un écran de protection ou des dispositifs protecteurs.*)

☐ Yes
Oui

☐ No
Non

b - Are the engineering controls in place functioning as intended? (*Interview employees and observe. If no, explain.*)

Les mesures d'ingénierie en place fonctionnent-elles comme prévu? (*Interrogez les employés et observez. Dans la négative, veuillez expliquer.*)

☐ Yes
Oui

☐ No
Non

c - Are there any administrative controls in place to reduce exposure to the hazard? (*Such as doubling up, scheduling, policy/procedures etc.*)

Existe-t-il des mesures administratives en place pour réduire l'exposition au danger? (*P. ex. le jumelage d'employés, l'établissement d'horaires ou des politiques et procédures*)

☐ Yes
Oui

☐ No
Non

d - Are the administrative controls in place functioning as intended? *(Interview employees and observe the employees to determine if they are and are functioning. If no, explain.)*
Les mesures administratives en place fonctionnent-elles comme prévu? *(Interrogez les employés et les observez. Dans la négative, veuillez expliquer.)*

☐ Yes
Oui

☐ No
Non

e - Are the administrative controls in place appropriate? *(Interview employees and observe the employees to determine if there are additional controls that could be put in place.)*
Les mesures administratives en place sont-elles appropriées? *(Interrogez les employés et les observez afin de déterminer si des mesures additionnelles seraient appropriées.)*

☐ Yes
Oui

☐ No
Non

Section 13:

Personal Protective Equipment (PPE) - Équipement de protection individuelle (EPI)

a - Is PPE being used to reduce the hazard? *(Such as Kevlar gloves, protective vest, N95 respirator, hearing protection, etc. List PPE, interview and observe the employee(s) to determine if they have been provided with PPE and are using it.)*

De l'EPI est-il utilisé pour réduire le danger? *(P. ex. des gants de kevlar, un gilet de protection, un masque N95 ou un dispositif de protection de l'ouïe. Dresser la liste de l'EPI, interrogez et observez les employés pour déterminer s'ils ont reçu de l'EPI et s'ils l'utilisent.)*

☐ Yes
Oui

☐ No
Non

☐ Not Applicable
Sans objet

b - Has the employee(s) been trained on the use and maintenance of PPE? *(List course name(s), verify on CAS whether the employee has completed training, where applicable.)*
Les employés ont-ils reçu une formation sur l'utilisation et l'entretien de l'EPI? *(Dressez la liste des cours, vérifiez dans les Systèmes administratifs d'entreprise si l'employé a reçu la formation, s'il y a lieu.)*

☐ Yes
Oui

☐ No
Non

Section 14:

Hazardous Occurrence Report (LAB1070) - Rapport sur les situations comportant des risques (LAB1070)

a - Have LAB1070s been previously submitted for this hazard/condition or activity? *(Consult with Regional and National OHS advisors.)*

Des rapports LAB1070 ont-ils déjà été soumis pour ce danger, cette situation ou cette activité? *(Consultez les conseillers régionaux et nationaux en SST.)*

☐ Yes
Oui

☐ No
Non

b - If so, were any corrective measures implemented? *(Review LAB1070s. Explain why or why not.)*

Dans l'affirmative, les mesures correctives sont-elles été appliquées? *(Examinez les rapports LAB1070. Veuillez expliquer.)*

☐ Yes
Oui

☐ No
Non

Section 15:

Workplace Health & Safety Committee (WHSC)/OHS Representative - Comité de santé et de sécurité au travail (CSST)/représentant en matière de santé et de sécurité

a - Has this situation been addressed by the WHSC or Representative in the past? *(Review minutes of WHSC meeting)*

Cette situation a-t-elle déjà été traitée par le CSST ou par un représentant en matière de santé et de sécurité? *(Examinez les procès-verbaux des réunions du CSST.)*

☐ Yes
Oui

☐ No
Non

Section 16:

Personal Protective Equipment (PPE) - Équipement de protection individuelle (EPI)

a - Is PPE being used to reduce the hazard? *(Such as Kevlar gloves, protective vest, N95 respirator, hearing protection, etc. List PPE, interview and observe the employee(s) to determine if they have been provided with PPE and are using it.)*

De l'EPI est-il utilisé pour réduire le danger? *(P. ex. des gants de kevlar, un gilet de protection, un masque N95 ou un dispositif de protection de l'ouïe. Dresser la liste de l'EPI, interrogez et observez les employés pour déterminer s'ils ont reçu de l'EPI et s'ils l'utilisent.)*

☐ Yes
Oui

☐ No
Non

If no, complete a "Job Hazard Analysis Procedure".
Si non, remplir une «procédure d'analyse des dangers emploi».

Section 17:

Analysis - Analyse

Identify any gaps that may exist between CBSA processes/procedures and the information observed/gathered during the investigation. Compare each process side-by-side and step-by-step and note any differences. List gaps below.

Déterminez tout écart existant entre les processus et procédures de l'ASFC et l'information observée et recueillie pendant l'enquête. Comparez chacun des processus côte à côte et étape par étape et notez les différences. Veuillez indiquer les écarts ci-dessous.

Examples of a gap or deficiency:

Occurs if employees are not receiving required training, if the work place is not aware of a certain operation bulletin, if employees are not following the official procedure and supervisors are allowing it to take place, or if CBSA procedure differs from manufacturer instructions etc.

Exemples d'écart ou de lacune :

Se produit si les employés ne reçoivent pas la formation requise, si les employés du lieu de travail ne sont pas au courant d'un certain bulletin opérationnel, si les employés ne suivent pas la procédure officielle et si les superviseurs le permettent, ou si une procédure de l'ASFC diffère des instructions du fabricant.

Section 18:

Conclusion

Based on the gap analysis and job hazard analysis, is the complaint justified?

Selon l'analyse des écarts et l'analyse du risque professionnel, est-ce que la plainte est justifiée?

☐ Yes
Oui

☐ No
Non

☐ No Consensus
Pas de consensus

If yes, list recommendations. *Example: Complete a JHA, ensure all employees trained, etc.*

Si tel est le cas, veuillez dresser la liste des recommandations. *Exemple : effectuer une analyse du risque professionnel, s'assurer que tous les employés ont reçu la formation nécessaire, etc.*

#	Recommendations
1	
2	
3	
4	
5	
6	
7	
8	

Section 19:

Signatures

Manager/Supervisor Investigation
Enquête du gestionnaire/superviseur



Signature



(YYYY-MM-DD)
(AAAA-MM-JJ)

OR - OU

WHSC Members or Health and Safety Rep and Employer Representative Investigation

Enquête des membres du CLSS ou RMSS et représentant de l'employeur

Employer
Employeur



Signature



(YYYY-MM-DD)
(AAAA-MM-JJ)

Employé(e)



Signature



(YYYY-MM-DD)
(AAAA-MM-JJ)



OCCUPATIONAL HEALTH AND SAFETY COMPLAINT MANAGEMENT CORRECTIVE ACTION

MANAGEMENT REPORT																										
<p>1. Did the Workplace Health and Safety Committee/ Health and Safety Representative conclude that the complaint is justified?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/> No consensus <input type="checkbox"/></p>																										
<p>2. Does management agree with the conclusions of the investigators?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/> (If no, complaint may be referred to Minister of Labour)</p>																										
<p>3. Corrective action which will be taken and date(s) of completion.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #cccccc;"> <th style="width: 5%;"></th> <th style="width: 75%;">Corrective Measure</th> <th style="width: 20%;">Date (yy-mm-dd)</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td></tr> <tr><td>5.</td><td></td><td></td></tr> <tr><td>6.</td><td></td><td></td></tr> <tr><td>7.</td><td></td><td></td></tr> </tbody> </table>				Corrective Measure	Date (yy-mm-dd)	1.			2.			3.			4.			5.			6.			7.		
	Corrective Measure	Date (yy-mm-dd)																								
1.																										
2.																										
3.																										
4.																										
5.																										
6.																										
7.																										
<p>4. Date report of corrective action sent to Workplace Health and Safety Committee/ Health and Safety Representative</p>																										
<p>5. Date of complaint resolution</p>																										

OCCUPATIONAL HEALTH AND SAFETY COMPLAINT REFERRAL TO THE MINISTER OF LABOUR

REASON FOR REFERRAL

1. What are the reasons for the referral?

- ☐ Employer disagrees with results of Workplace Health and Safety Committee/Representative investigation.
- ☐ Management has not informed the Workplace Health and Safety Committee/Representative how complaint will be resolved or has not implemented recommendations.
- ☐ Investigators are unable to agree whether the complaint is justified.

2. Name and title of person referring and date of referral

Name:

Title:

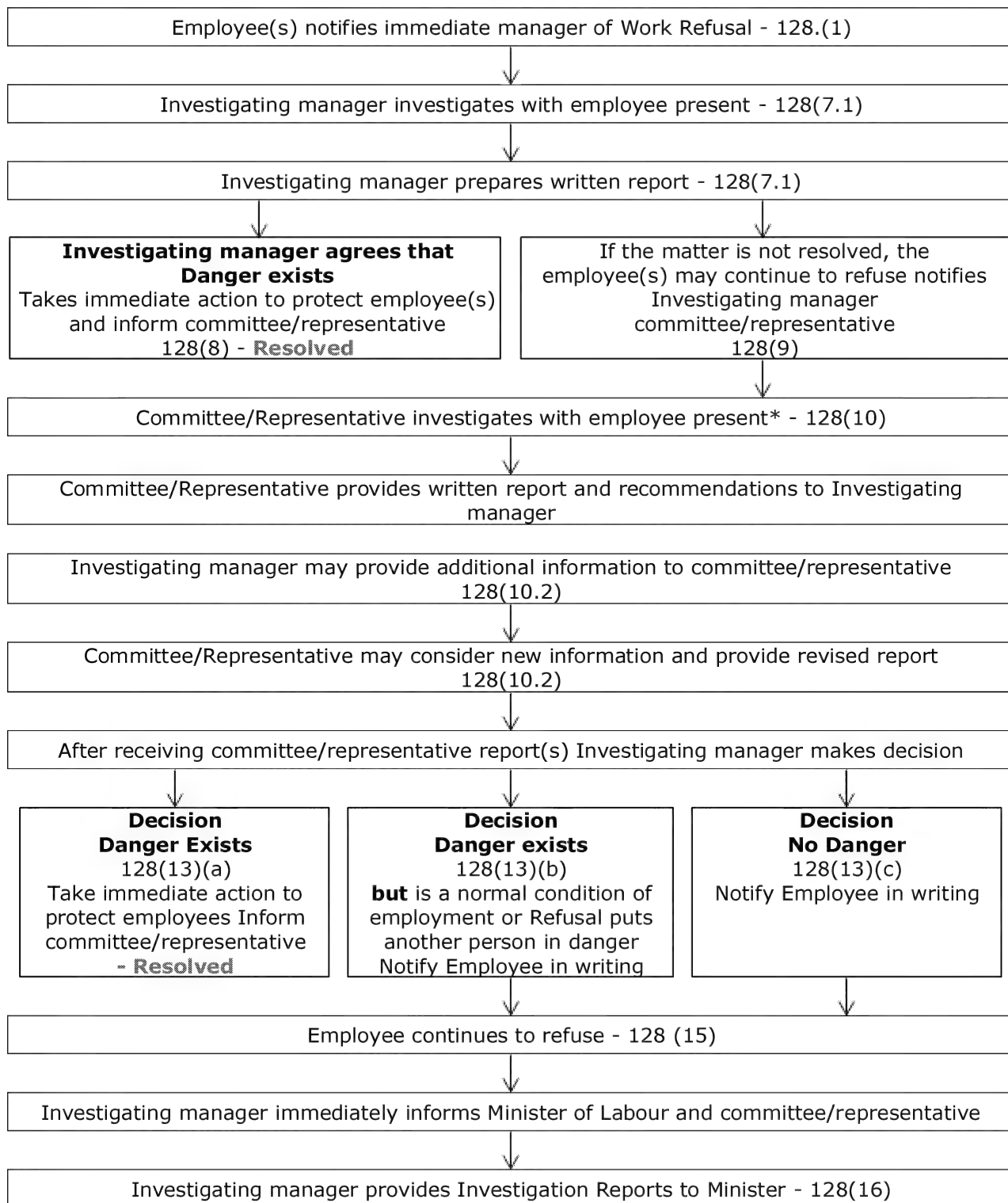
Date:

3. Documents to provide to Labour

- ☐ Management Investigation Report
- ☐ Workplace Health and Safety Committee/Investigators Report
- ☐ Policies and Procedures
- ☐ Manufacturer's instructions
- ☐ Maintenance procedures and records
- ☐ Training Records
- ☐ Hazard Assessments/Job Hazard Analysis
- ☐ Other relevant documents

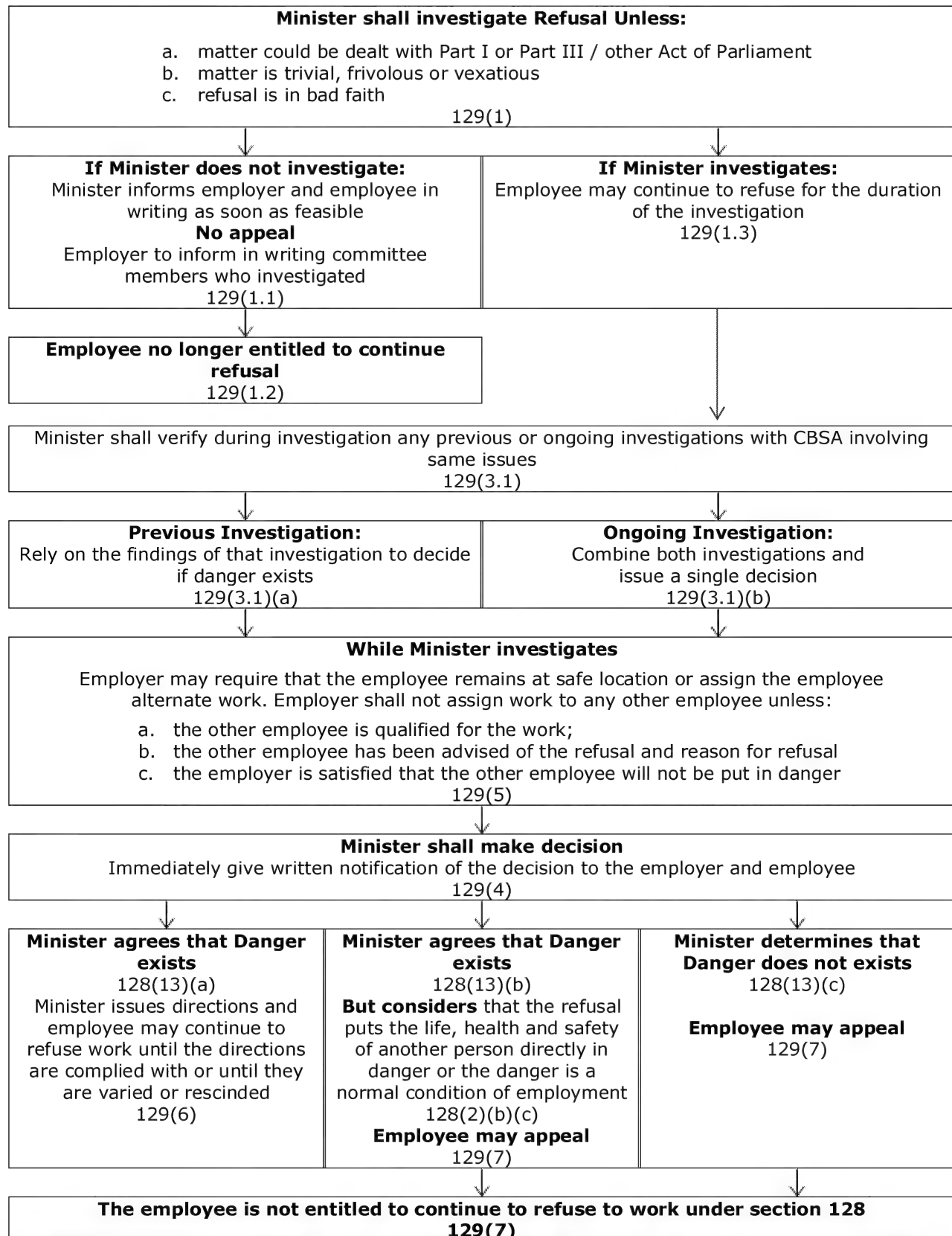


Refusal to Work Process



*If more than one employee refuse to work, those employees may designate one employee to be present at the investigation 128(11). The employer, committee may proceed with the investigation in the absence of the employee if that employee or person designated chooses not to be present 128(12).

Refusal to Work Process - Referral to Minister of Labour





Resource Package

Occupational Health and Safety Best Practices for Managers and Supervisors

PROTECTION • SERVICE • INTEGRITY

Training and Development Directorate



Refusal to Work Investigation Report Stage III - Supplemental Information / Corrective Action

1. Did the Investigating Manager provide supplemental information in response to the Stage II Report?

☐ Yes ☐ No

If yes, provided on (date): _____

If yes, describe:

2. Did the Manager take supplemental corrective action in response to the Stage II Report?

☐ Yes ☐ No

If yes, provided on (date): _____

If yes, describe:

3. Was the Stage II report amended base on above supplemental information/actions?

☐ Yes ☐ No

If yes, provided on (date): _____

If yes, describe:



HAZARDOUS OCCURRENCE INVESTIGATION REPORT LAB 1070 RAPPORT D'ENQUÊTE DE SITUATION COMPORTANT DES RISQUES LAB 1070	1. Type of occurrence/Genre de situation		2. HRSDC use / À l'usage de RHDSC : Department file No. / N° de dossier du ministère	
	<input type="checkbox"/> Disabling injury / Blessure invalidante <input type="checkbox"/> Loss of consciousness / Évanouissement		HRSDC use / À l'usage de RHDSC: Regional or District Office / Bureau régional ou de district	
	<input type="checkbox"/> Explosion / Fire / Explosion / Feu		HRSDC use / À l'usage de RHDSC : Employer ID No. / N° d'identification de l'employeur	
	<input type="checkbox"/> Emergency procedure / Mesures d'urgence		CBSA use / À l'usage de l'ASFC : CBSA No. / N° ASFC	
<input type="checkbox"/> Other (Specify): Autre (Préciser) :		<input type="checkbox"/> Minor injury (with medical aid) / Blessure légère (nécessitant des soins médicaux)		
<input type="checkbox"/> Incident (near miss /quasi situation)				
3. Employer's name and mailing address / Nom et adresse postale de l'employeur			Postal code / Code postal	
			Telephone number / Numéro de téléphone	
Site of hazardous occurrence Lieu de la situation comportant des risques		Date and time of hazardous occurrence Date et heure de la situation comportant des risques		
		Weather conditions Conditions météorologiques		
Witnesses / Témoins				
Supervisor or manager's name / Nom du superviseur ou du gestionnaire		Supervisor or manager's signature / Signature du superviseur ou du gestionnaire		
4. Description of what happened / Description des circonstances				
Brief description and estimated cost of property damage / Description sommaire et coût estimatif des dommages matériels				
5. Injured or reporting employee's name / Nom de l'employé blessé ou qui signale les circonstances		Age / Âge	Occupation / Profession	
			Years of experience in occupation/ Nombre d'années d'expérience dans la profession	
Description of injury (if applicable) / Description de la blessure (s'il y a lieu)		Sex / Sexe	Direct cause of injury / Cause directe de la blessure	

<p>Was training in accident prevention given to injured employee in relation to duties performed at the time of the hazardous occurrence? L'employé blessé a-t-il reçu une formation en prévention des accidents relativement aux fonctions qu'il exerçait au moment de la situation comportant des risques?</p> <p><input type="checkbox"/> Yes / Oui</p> <p><input type="checkbox"/> No / Non Specify / Préciser</p>		
<p>Was this injury caused by the Use of Force (if applicable) / Est-ce que cette blessure est liée au recours à la force (si applicable)</p> <ul style="list-style-type: none"> <input type="checkbox"/> During Control and Defensive Tactics training / Dans le cadre de la formation sur les tactiques de défense et de maîtrise <input type="checkbox"/> In the course of the employee's duties / Dans le cadre des fonctions de l'employé 		
<p>6. Direct causes of hazardous occurrence / Causes directes de la situation comportant des risques</p> 		
<p>7. Corrective measures and date employer will implement / Mesures correctives qui seront appliquées par l'employeur et date de leur mise en œuvre</p> 		
<p>Reasons for not taking corrective measures / Raisons pour lesquelles aucune mesure corrective n'a été prise</p> 		
<p>Supplementary preventative measures / Autres mesures de prévention</p> 		
<p>8. Name of person investigating / Nom de la personne faisant l'enquête</p> 	<p>Signature</p> 	<p>Date</p>
<p>Title / Titre</p> 	<p>Telephone number / Numéro de téléphone</p> 	
<p>9. Work place committee's or health and safety representative's comments / Observations du comité de santé et de sécurité local ou du représentant</p> 		
<p>Work place committee member's or health and safety representative's name Nom du membre du comité local de santé et de sécurité ou du représentant</p> 	<p>Signature</p> 	<p>Date</p>
<p>Title / Titre</p> 	<p>Telephone Number / Numéro de téléphone</p> 	

Definition of "Danger"

<http://www.labour.gc.ca/eng/resources/ipg/062.shtml>

Definition of "Danger" - 905-1-IPG-062

Effective Date: October, 2014

1. Subject

Interpretation of the definition of "danger" as set out in subsection 122(1) *Canada Labour Code*, part II.

2. Issue

In 2014, Bill C-4, Economic Action Plan No. 2, amended the definition of danger. This was done to clarify and reduce the complexity of the definition. The purpose of this IPG is to provide assistance in the interpretation of the new definition and to support its consistent application.

Subsection 122(1) of the Code defines "danger" as:

"any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered."

3. Characteristics of "danger" as defined in the Code

The main components of the definition are:

3.1 Hazard/Condition/Activity

1. "Hazard" means a source of harm or risk to an employee.
2. "Condition" means circumstances, and in particular, those affecting the functioning or existence of something.
3. "Activity" means the tasks directly related to the employee's duties.

3.2 Additional definitions

1. "Reasonably expected" means:
Does not require that the threat materialize every time the hazard, condition or activity occurs;

It is not necessary to establish precisely the time when the threat will materialize nor does the threat need to materialize frequently;

Only requires that a person determines in what circumstances the threat could reasonably be expected to materialize;

There is more than one way to establish that a condition, hazard, or activity can reasonably be expected to be a threat. Evidence of actual injury in exactly the same circumstances is not required.

Other sources of evidence include: expert opinions; opinions of ordinary witnesses having the necessary experience; and inference arising logically or reasonably from known facts.

2. "Imminent threat" means a threat on the point of happening.
3. "Serious threat" means a substantial threat to health or life and includes potential substantial threat.
4. "Life or health" includes injury and illness.
5. "Continued refusal to work" refers to the employee's continued refusal to work following the employer's decision under subsection 128(15).

4. Conclusion

Upon notification of a continued refusal to work, the Official delegated by the Minister, with the appropriate authority must assess whether a danger exists; that is, whether the hazard, condition or activity in question are reasonably considered either an imminent threat or a serious threat before the hazard or condition can be corrected or the activity altered.

All of the components of the definition of "danger", including whether there is a serious or imminent threat "before the hazard or condition can be corrected or the activity altered", will be determined on the facts of each case.

Allegations of the existence of a danger should not be based on speculation or hypothesis.

Hazards, conditions or activities that are determined to **not meet** the definition of danger shall be referred back to the workplace.

Brenda Baxter
Director General
Workplace Directorate
Employment and Social Development Canada – Labour Program

Date modified: 2014-10-23



Canada Border
Services Agency Agence des services
frontalières du Canada



Occupational Health and Safety Best Practices Workshop

for Managers and
Supervisors



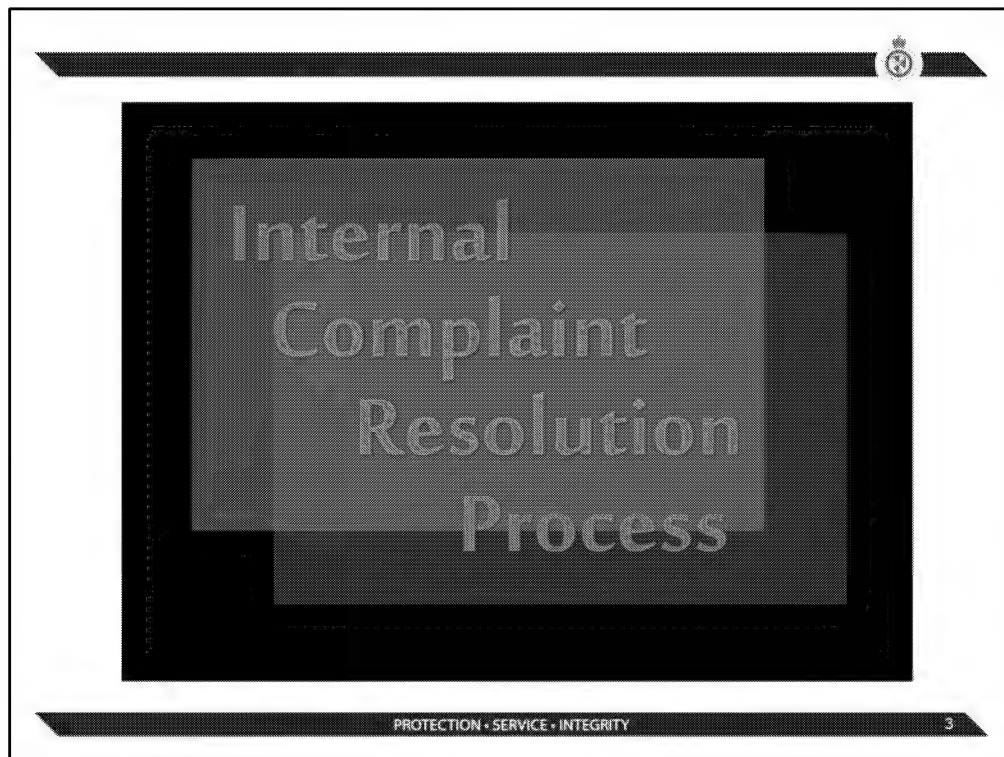
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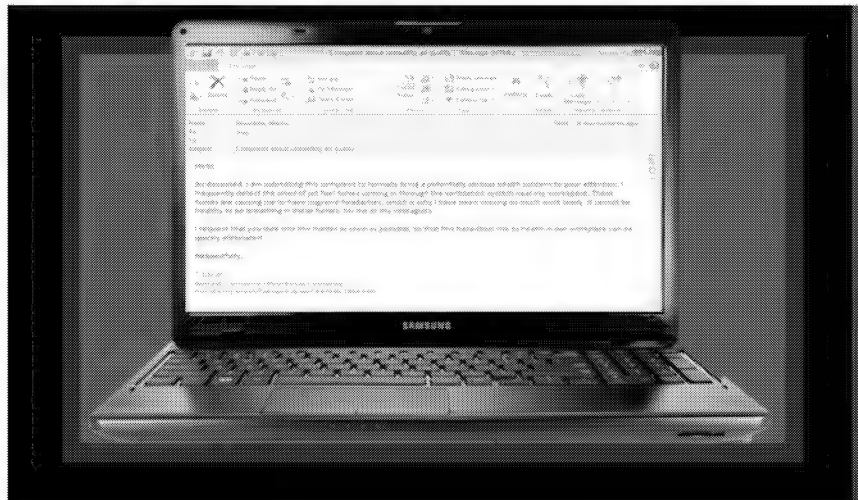
Workshop Topics

- Internal Complaint Resolution Process
- Refusal to Work due to Danger
- Accident Investigation





Activity 1 – Getting Started



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4



Activity 2 – Twenty/Twenty

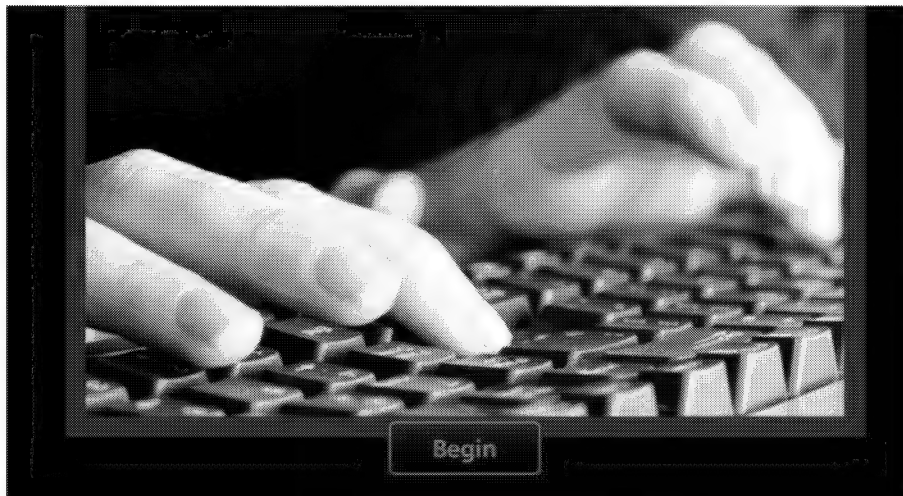


PROTECTION • SERVICE • INTEGRITY

5



Activity 3 – Completing the Investigation Report

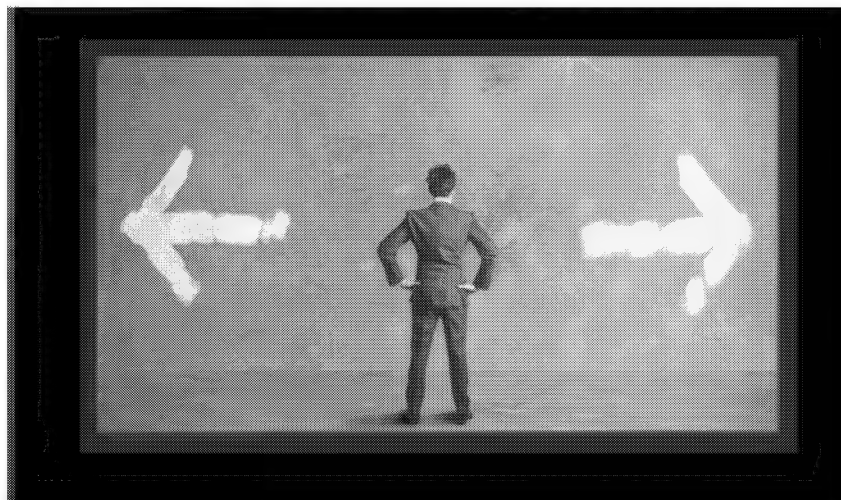


PROTECTION • SERVICE • INTEGRITY

6



Activity 4 – Making a decision



PROTECTION • SERVICE • INTEGRITY

7

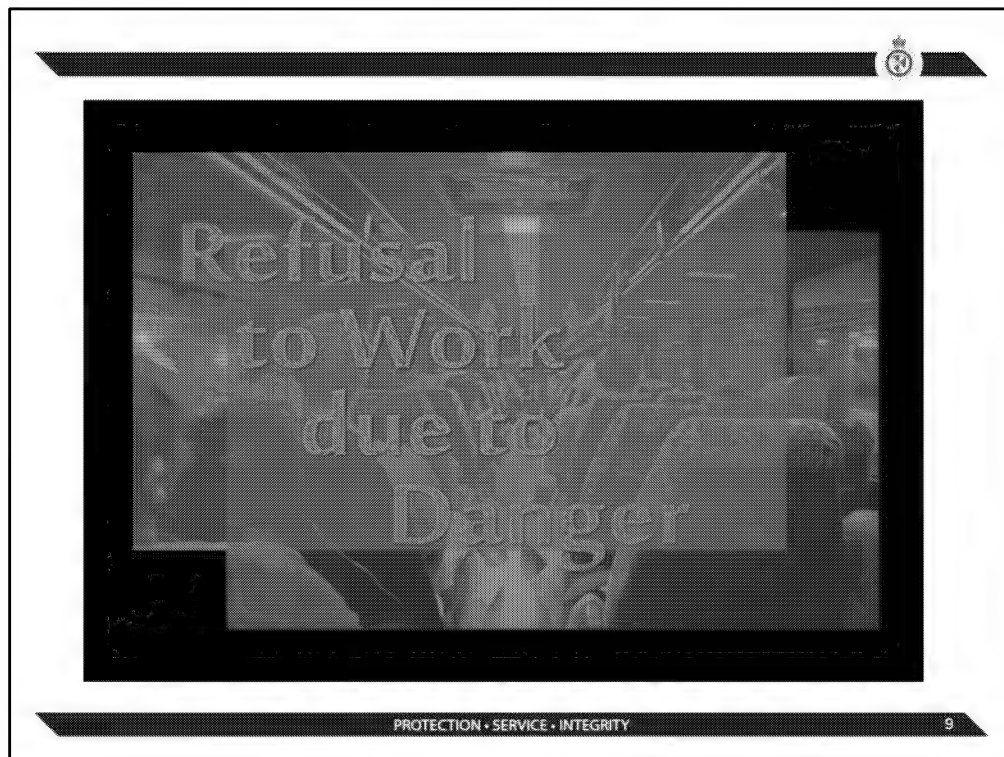


Activity 5 – Considering WPHSC findings



PROTECTION • SERVICE • INTEGRITY

8



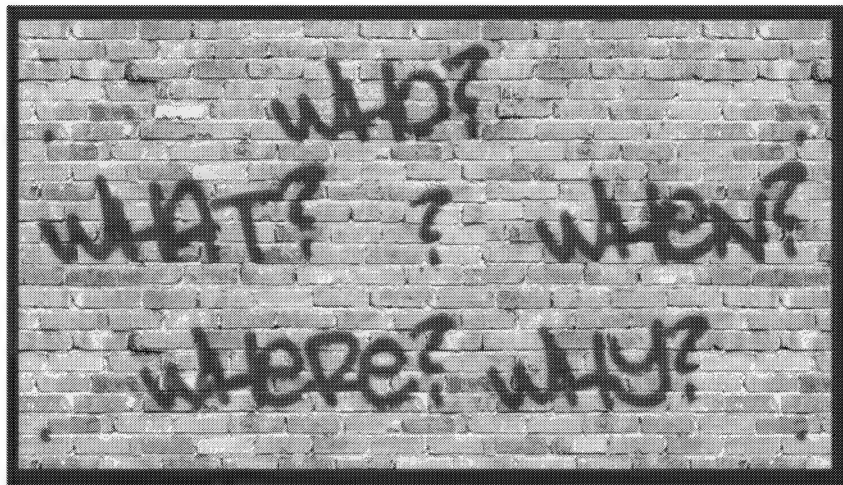


Refusal to Work Process

- Stage I – Employer investigates the danger
- Stage II – WPHSC or Representative investigates the danger
- Stage III – Health and Safety Officer investigates the danger

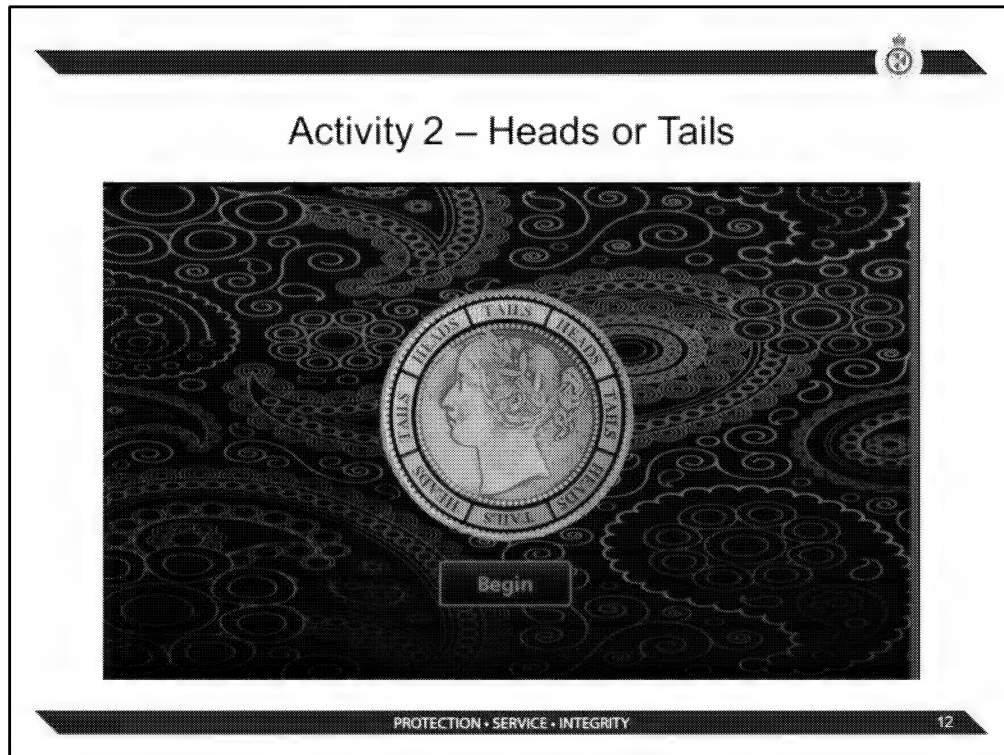


Activity 1 – The Five W's



PROTECTION • SERVICE • INTEGRITY

11

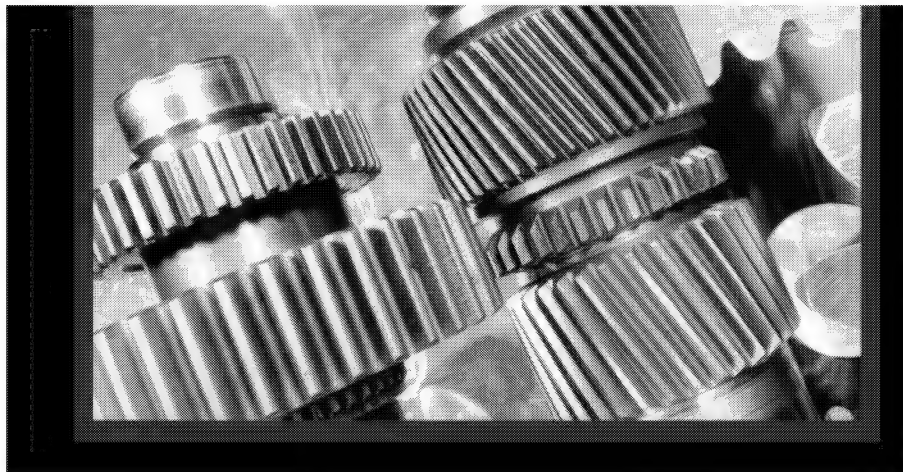


1. **Heads:** Best Practice! – Every reasonable effort should be made to ensure that travellers being offloaded are not exposed to severe weather.
2. **Tails:** Policy and Procedure! – Ports of Entry are not equipped with a designated bus processing area should determine the appropriate type of clearance process based on the risk associated with the conveyance and its travellers.
3. **Heads:** Additional Fact! – One or two buses use this Port of Entry to enter into the USA and return back to Canada every night of the week. There are typically no buses originating in the US processed at this port.
4. **Tails:** Additional Fact! – The passengers on these buses are typically Canadian citizens returning from the casino, sight-seeing tours or shopping trips. The vast majority of them are senior citizens who pose a low risk.
5. **Heads:** Administrative Controls! – CBSA policy is that a minimum of two officers should attend and process the passengers and driver of a bus.
6. **Tails:** Policies and Procedures! – Ports of Entry equipped with a designated bus processing area should require driver and passengers to disembark the bus and proceed directly into a secure, controlled CBSA area where they will present themselves, along with a properly completed E311 Declaration Card, appropriate identification and their luggage to a BSO for primary inspection.
7. **Heads:** Additional Fact! There was an incident at this port a few years ago in which a BSO clearing a bus at the port was confronted by an uncooperative passenger. Fortunately, the BSO was able to de-escalate the situation before any use of force become necessary.
8. **Tails:** Best Practice! – Prior to processing a bus, the BSO should consider the following:

the nature of the bus (charter or non charter); the risk analysis of bus passengers and the bus company; the availability of officers, facilities, electronic systems and tools to process the passengers and driver.



Activity 3 – Occupational Hazard Analysis

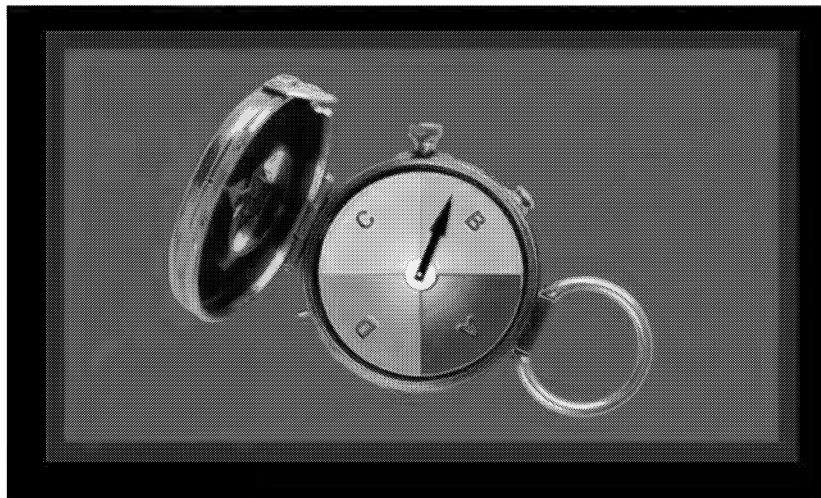


PROTECTION • SERVICE • INTEGRITY

13



Activity 4 – Hazard Assessment



PROTECTION • SERVICE • INTEGRITY

14



Activity 5 – Making a decision



PROTECTION • SERVICE • INTEGRITY

15





Activity 1 – Completing the LAB 1070

PROTECTION • SERVICE • INTEGRITY

17



Refusal to Work Investigation Report Stage I - Investigation by Manager

CLC-II Section 122

"danger" means any hazard, condition or activity that could reasonably be expected to be an imminent **or** serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.

Identification of Parties		
1. Manager/Immediate Supervisor		
Name		
Work Telephone Number	Business Mobile Number	Email Address
2. Investigating Manager (if different from above)		
Name		
Work Telephone Number	Business Mobile Number	Email Address
3. Refusing Employee(s)		
Name		
Work Telephone Number	Business Mobile Number	Email Address
Additional names		
Description of Refusal		
4. Date, Time and Location of Refusal		
5. Employee's Statement of Refusal		
6. Events Leading Up to Refusal		
Investigation by Manager		
7. Date and Time Reported to Manager		
8. Interview Employee(s)		
a. What hazard, condition or activity does the employee consider to be an imminent threat or serious threat to their life or health?		
b. Why does the operation of a machine or the activity constitute a danger, what condition exists that is a danger, or what is the activity that constitutes a danger?		
c. How will the employee be seriously injured or become ill?		
9. Recurring Issue		
a. Determine if the issue has been previously raised elsewhere (consult with Regional/National OHS)?		
b. If yes, what was the result of the investigation?		

10. Review CBSA Policies and/or Procedures:

- a. Is there a CBSA policy and/or procedure that address the situation? *(Review applicable policies and procedures and provide details on the relevant sections. Example: Enforcement Manuals, Program Manuals, Operational Bulletins, Arming Policies.)*

Example: Fumigant Program User Guide

OPERATIONAL BULLETIN: PRG-2014-35

TITLE: Fumigant Procedures for Inland Sufferance Warehouse Examinations

- b. Has the employee been trained on the above-mentioned policy/procedures/manual/bulletins?

(Example: Is employee aware of bulletin and been trained in the procedures?)

☐ Yes ☐ No

- c. Are the above-mentioned CBSA policies and procedures being followed? *(Interview employees and determine if they are aware of bulletin and observe to ensure that employees follow the procedures. If no, describe the deficiency)*

Example: Material Safety Data Sheets for the 10 toxic industrial chemicals not available in the workplace.

☐ Yes ☐ No

11. Manufacturer Information

- a. Are manufacturer's instructions and maintenance procedures relevant to the equipment or personal protective equipment, if applicable?

Example: The manufacturer's maintenance procedures for protective vests are outlined in the CBSA Uniform Policy and Standards of Appearance 5.0 Protective Vests

5.3 Life Cycle, Maintenance, Cleaning, Storage, Inspection and Replacement

☐ Yes ☐ No ☐ Not Applicable

- b. Are the manufacturer's instructions and maintenance procedures being followed, if applicable? *(If no, describe the deficiency.)*

☐ Yes ☐ No ☐ Not Applicable

12. Industry Standard/Best Practice

- a. Is the industry standard or best practice being met by the situation/task? *(Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted industry standard. Observe the task/situation. Interview employees and management. If no, detail where the practise is not met.)*

Example: Observe the task and compare and analyse the CSA Standard Z96-02 High-Visibility Safety Apparel Reflective Vests.

☐ Yes ☐ No ☐ Not Applicable (explain)

- b. Is there a best practise for the situation/task? *(Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted best practice by the industry. Observe the task/situation. Interview employees and management. If no, detail where the practise is not met.)*

Example: There is no industry standard regarding an Outdoor Firing Range. Therefore, the CBSA collaborated with the RCMP and adapted their procedures to fit CBSA needs. CBSA Standards on Firing Ranges was created to fill this gap using a "best practise."

☐ Yes ☐ No ☐ Not Applicable (explain)

13. Engineering and/or Administrative Controls

a. Are there any engineering controls in place to reduce exposure to the hazard? *(Such as mechanical, physical barriers, ventilation, shielding, machine guards, etc.)*

☐ Yes ☐ No ☐ Not Applicable (explain)

b. Are the engineering controls in place functioning as intended? *(Interview employees and observe. If no, explain.)*

☐ Yes ☐ No ☐ Not Applicable (explain)

c. Are there any administrative controls in place to reduce exposure to the hazard? *(Such as doubling up, scheduling, policy/procedures etc.)*

☐ Yes ☐ No ☐ Not Applicable (explain)

d. Are the administrative controls in place functioning as intended? *(Interview employees and observe the employees to determine if they are and are functioning. If no, explain.)*

☐ Yes ☐ No ☐ Not Applicable (explain)

e. Are the administrative controls in place appropriate? *(Interview employees and observe the employees to determine if there are additional controls that could be put in place.)*

☐ Yes ☐ No ☐ Not Applicable (explain)

14. Personal Protective Equipment (PPE)

a. Is PPE being used to reduce the hazard? *(Such as Kevlar gloves, protective vest, N95 respirator, hearing protection, etc. List PPE, interview and observe the employee(s) to determine if they have been provided with PPE and are using it.)*

☐ Yes ☐ No ☐ Not Applicable (explain)

b. Has the employee(s) been trained on the use and maintenance of PPE? *(List course name(s), verify on CAS whether the employee has completed training, where applicable.)*

☐ Yes ☐ No ☐ Not Applicable (explain)

15. Hazardous Occurrence Report (LAB1070)

a. Have LAB1070s been previously submitted for this hazard/condition or activity? *(Describe Consult with Regional and National OHS advisors.)*

☐ Yes ☐ No

b. If so, were any corrective measures implemented? *(Review LAB1070s. Explain why or why not.)*

☐ Yes ☐ No

16. Workplace Health & Safety Committee (WHSC)/OHS representative

a. Has this situation been addressed by the WHSC or Representative in the past? *(Review minutes of WHSC meeting)*

☐ Yes ☐ No

17. Hazard Assessment

- a. Has a hazard assessment or job hazard analysis (JHA) been completed for this hazard/condition or activity locally or elsewhere in CBSA?
 (Provide details. Consult with Regional and National OHS advisors.)

☐ Yes ☐ No

18. Analysis

Identify any gaps that may exist between CBSA processes/procedures and the information observed/gathered during the investigation. Compare each process side-by-side and step-by-step and note any differences. List any discrepancies or gap.

Examples of a gap or deficiency: Occurs if employees are not receiving required training, if the work place is not aware of a certain operation bulletin, if employees are not following the official procedure and supervisors are allowing it to take place, or if CBSA procedure differs from manufacturer instructions etc.

Identify any previous or ongoing refusal of similar facts.

Danger Analysis (Use records from LAB1070s, WHSC Minutes, Security Incident Reports)

Utilize the information from the investigation.

See below to determine if danger exists.

19. Frequency

How often has the hazard outlined in section 8 been reported at this worksite?
 Determine which statement is true from the table below. Choose one (1).

Review security incident reports, Lab 1070s, etc. to determine if employees have been exposed to the hazard specified in section 8 e.g. physical assault.

Frequency	
Frequent	Occurs one or more times per day
Regular	Occurs one or more times per week
Occasional	Occur one or more times per month or season
Rare	Occurs rarely or has never occurred, but is possible

☐ Frequent ☐ Regular ☐ Occasional ☐ Rare

20. Likelihood

What is the likelihood of an injury occurring if the employee is exposed to the hazard?
 Determine which statement is true from the table below. Choose one (1).

Example: If the BSO does not follow procedures and enters a confined space would they incur an injury?

Likelihood	
Almost certain	The most likely and expected result if a hazard exists
Quite possible	Not an unusual occurrence
Remotely possible	Unusual occurrence or possible, occurred in the past
Unlikely	Has not or never occurred but is conceivable

☐ Almost certain ☐ Quite possible ☐ Remotely possible ☐ Unlikely

21. Probability

Using the responses from 19 and 20 determine the probability of an injury or illness occurring.

Probability(Frequency x Likelihood = Probability)				
Frequency	Likelihood			
	Unlikely	Remotely Possible	Quite Possible	Almost certain
Frequent	Possible	Likely	Highly Likely	Highly Likely
Regular	Possible	Possible	Likely	Highly Likely
Occasional	Unlikely	Possible	Likely	Likely
Rare	Unlikely	Unlikely	Likely	Likely

☐ Highly Likely ☐ Likely ☐ Possible ☐ Unlikely

22. Severity

If the hazard were to occur, which of the following would be the result? Choose one (1).

Severity	
Critical	Fatality or permanently disabling injury or illness; limb amputation, major fracture, burn on a large part of the body
Severe	Disabling injury resulting in loss of work time; laceration, burn on several parts of the body
Serious	Minor injury; sprain, light burn
Minimal	Non-disabling injury

☐ Critical

☐ Severe

☐ Serious

☐ Minimal

23. Hazard Level

Using the responses from 21 and 22 determine the hazard level.

Probability	Severity			
	Minimal	Serious	Severe	Critical
Highly Likely	C	B	A	A
Likely	C	C	B	A
Possible	D	C	B	B
Unlikely	D	D	C	C

☐ A

☐ B

☐ C

☐ D

24. Determine if a Danger exists

“‘Danger’ means any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.”

Refer to: Labour Program Interpretive Policy Guideline-905-1-IPG-062 Definition of Danger.

Respond to the following questions to determine if Danger exists

a. Is the event or situation more likely than not to occur? *(Refer to the hazard assessment enter the answer to “Probability”).*

b. Is the event imminent or a serious threat?

☐ Yes ☐ No

c. Is there a significant risk of severe or critical injury? *(Refer to the hazard assessment if the Hazard Level is A, choose “Yes”).*

☐ Yes ☐ No

If the answers to the above questions are:

- ▶ Highly Likely or Likely
- ▶ The Hazard is Imminent or is a Serious Threat
- ▶ The Hazard is a rated as Level A: Severe or Critical

Danger Exists

Decision

25. Employer decision

- ☐ Danger
- ☐ No Danger
- ☐ Danger, but refusal not permitted under Subsection 128(2)
- ☐ No Danger, but gap exists: refer to Internal Complaint Resolution Process

If danger, provide rationale, recommendations and implementation plan.

26. Employee Response to Decision

Employee satisfied by decision and returned to work:

☐ Yes ☐ No (Stage II Investigation Required)

Employee Agrees to refer complaint to Internal Complaint Resolution:

☐ Yes ☐ No

Employer Investigator

Date



Stage II - Investigation by Work Place Health and Safety Committee or Health and Safety Representative

CLC-II Section 122

"danger" means any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.

Identification of Parties		
1. The work place is covered by a:		
<input type="checkbox"/> Work Place Health and Safety Committee	<input type="checkbox"/> Health and Safety Representative	
2. Employee Committee Member or Health and Safety Representative		
Name		
Work Telephone Number	Business Mobile Number	Email Address
3. Employer Committee Member or Designated Person		
Name		
Work Telephone Number	Business Mobile Number	Email Address
4. Refusing Employee(s)		
Name		
Work Telephone Number	Business Mobile Number	Email Address
Additional employees names		
Description of Refusal		
5. Date, Time and Location of Refusal		
<input type="checkbox"/> Check Box if Same as Stage I Report		
6. Employee's Statement of Refusal		
<input type="checkbox"/> Check Box if Same as Stage I Report		
7. Events Leading Up to Refusal		
<input type="checkbox"/> Check Box if Same as Stage I Report		
Investigation by Work Place Health and Safety Committee or Representative		
8. Date and Time Reported to the Work Place Health and Safety Committee or Representative		
9. Review Stage I Report and Interview Employee(s)		
a. What hazard, condition or activity does the employee consider to be an imminent threat or serious threat to their life or health?		
b. Why does the operation of a machine or the activity constitute a danger, what condition exists that is a danger, or what is the activity that constitutes a danger?		
c. How will the employee be seriously injured or become ill?		

10. Review CBSA Policies and/or Procedures:

- a. Is there a CBSA policy and/or procedure that address the situation? *(Review applicable policies and procedures and provide details on the relevant sections. Example: Enforcement Manuals, Program Manuals, Operational Bulletins, Arming Policies.)*

Example: Fumigant Program User Guide

OPERATIONAL BULLETIN: PRG-2014-35

TITLE: Fumigant Procedures for Inland Sufferance Warehouse Examinations

- b. Has the employee been trained on the above-mentioned policy/procedures/manual/bulletins?

(Example: Is employee aware of bulletin and been trained in the procedures?)

☐ Yes ☐ No

- c. Are the above-mentioned CBSA policies and procedures being followed? *(Interview employees and determine if they are aware of bulletin and observe to ensure that employees follow the procedures. If no, describe the deficiency)*

Example: Material Safety Data Sheets for the 10 toxic industrial chemicals not available in the workplace.

☐ Yes ☐ No

11. Manufacturer Information

- a. Are manufacturer's instructions and maintenance procedures relevant to the equipment or personal protective equipment, if applicable?

Example: The manufacturer's maintenance procedures for protective vests are outlined in the CBSA Uniform Policy and Standards of Appearance 5.0 Protective Vests

5.3 Life Cycle, Maintenance, Cleaning, Storage, Inspection and Replacement

☐ Yes ☐ No ☐ Not Applicable (explain)

- b. Are the manufacturer's instructions and maintenance procedures being followed, if applicable? *(If no, describe the deficiency.)*

☐ Yes ☐ No ☐ Not Applicable (explain)

12. Industry Standard/Best Practice

- a. Is the industry standard or best practice being met by the situation/task? *(Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted industry standard. Observe the task/situation. Interview employees and management. If no, detail where the practise is not met.)*

Example: Observe the task and compare and analyse the CSA Standard Z96-02 High-Visibility Safety Apparel Reflective Vests.

☐ Yes ☐ No ☐ Not Applicable (explain)

- b. Is there a best practise for the situation/task? *(Consult with Regional OHS, National OHS; other agencies who perform similar tasks, such as enforcement agencies. Practice that has become an accepted best practice by the industry. Observe the task/situation. Interview employees and management. If no, detail where the practise is not met.)*

Example: There is no industry standard regarding an Outdoor Firing Range. Therefore, the CBSA collaborated with the RCMP and adapted their procedures to fit CBSA needs. CBSA Standards on Firing Ranges was created to fill this gap using a "best practise."

☐ Yes ☐ No ☐ Not Applicable (explain)

13. Engineering and/or Administrative Controls

- a. Are there any engineering controls in place to reduce exposure to the hazard? *(Such as mechanical, physical barriers, ventilation, shielding, machine guards, etc.)*
☐ Yes ☐ No ☐ Not Applicable (explain)
- b. Are the engineering controls in place functioning as intended? *(Interview employees and observe. If no, explain.)*
☐ Yes ☐ No ☐ Not Applicable (explain)
- c. Are there any administrative controls in place to reduce exposure to the hazard? *(Such as doubling up, scheduling, policy/procedures etc.)*
☐ Yes ☐ No ☐ Not Applicable (explain)
- d. Are the administrative controls in place functioning as intended? *(Interview employees and observe the employees to determine if they are and are functioning. If no, explain.)*
☐ Yes ☐ No ☐ Not Applicable (explain)
- e. Are the administrative controls in place appropriate? *(Interview employees and observe the employees to determine if there are additional controls that could be put in place.)*
☐ Yes ☐ No ☐ Not Applicable (explain)

14. Personal Protective Equipment (PPE)

- a. Is PPE being used to reduce the hazard? *(Such as Kevlar gloves, protective vest, N95 respirator, hearing protection, etc. List PPE, interview and observe the employee(s) to determine if they have been provided with PPE and are using it.)*
☐ Yes ☐ No ☐ Not Applicable (explain)
- b. Has the employee(s) been trained on the use and maintenance of PPE? *(List course name(s), verify on CAS whether the employee has completed training, where applicable.)*
☐ Yes ☐ No ☐ Not Applicable (explain)

15. Hazardous Occurrence Report (LAB1070)

- a. Have LAB1070s been previously submitted for this hazard/condition or activity? *(Describe Consult with Regional and National OHS advisors.)*
☐ Yes ☐ No
- b. If so, were any corrective measures implemented? *(Review LAB1070s. Explain why or why not.)*
☐ Yes ☐ No

16. Workplace Health & Safety Committee (WHSC)/OHS representative

- a. Has this situation been addressed by the WHSC or Representative in the past? *(Review minutes of WHSC meeting)*
☐ Yes ☐ No

17. Hazard Assessment

- a. Has a hazard assessment or job hazard analysis (JHA) been completed for this task/situation locally or elsewhere in CBSA? *(Provide details. Consult with Regional and National OHS advisors.)*

☐ Yes ☐ No

18. Analysis

Identify any gaps that may exist between CBSA processes/procedures and the information observed/gathered during the investigation. Compare each process side-by-side and step-by-step and note any differences. List any discrepancies or gap.

Examples of a gap or deficiency: Occurs if employees are not receiving required training, if the work place is not aware of a certain operation bulletin, if employees are not following the official procedure and supervisors are allowing it to take place, or if CBSA procedure differs from manufacturer instructions etc.

Identify any previous or ongoing refusal of similar facts.

Danger Analysis (Use records from LAB1070s, WHSC Minutes, Security Incident Reports)

See below to determine if danger exists.

Utilize the information from the investigation.

19. Frequency

How often has the hazard outlined in section 9 occurred at this worksite?
 Determine which statement is true from the table below. Choose one (1).

Review security incident reports, Lab 1070s etc. to determine if employees have been exposed to the hazard specified in section 9 e.g. physical assault.

Frequency	
Frequent	Occurs one or more times per day
Regular	Occurs one or more times per week
Occasional	Occur one or more times per month or season
Rare	Occurs rarely or has never occurred, but is possible

☐ Frequent ☐ Regular ☐ Occasional ☐ Rare

20. Likelihood

What is the likelihood of an injury occurring if the employee is exposed to the hazard?
 Determine which statement is true from the table below. Choose one (1).

Example: If the BSO does not follow procedures and enters a confined space would they incur an injury?

Likelihood	
Almost certain	The most likely and expected result if a hazard exists
Quite possible	Not an unusual occurrence
Remotely possible	Unusual occurrence or possible, occurred in the past
Unlikely	Has not or never occurred but is conceivable

☐ Almost certain ☐ Quite possible ☐ Remotely possible ☐ Unlikely

21. Probability

Using the responses from 19 and 20 determine the probability of an injury or illness occurring.

Probability(Frequency x Likelihood = Probability)				
Frequency	Likelihood			
	Unlikely	Remotely Possible	Quite Possible	Almost certain
Frequent	Possible	Likely	Highly Likely	Highly Likely
Regular	Possible	Possible	Likely	Highly Likely
Occasional	Unlikely	Possible	Likely	Likely
Rare	Unlikely	Unlikely	Likely	Likely

☐ Highly Likely ☐ Likely ☐ Possible ☐ Unlikely

22. Severity

If the hazard were to occur, which of the following would be the result? Choose one (1).

Severity	
Critical	Fatality or permanently disabling injury or illness; limb amputation, major fracture, burn on a large part of the body
Severe	Disabling injury resulting in loss of work time; laceration, burn on several parts of the body
Serious	Minor injury; sprain, light burn
Minimal	Non-disabling injury

☐

Critical

☐

Severe

☐

Serious

☐

Minimal

23. Hazard Level

Using the responses from 21 and 22 determine the hazard level.

Probability	Severity			
	Minimal	Serious	Severe	Critical
Highly Likely	C	B	A	A
Likely	C	C	B	A
Possible	D	C	B	B
Unlikely	D	D	C	C

☐

A

☐

B

☐

C

☐

D

24. Determine if a Danger exists

“‘Danger’ means any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.”

Refer to: Labour Program Interpretive Policy Guideline-905-1-IPG-062-Definition of Danger.

Respond to the following questions to determine if Danger exists

a. Is the event or situation more likely than not to occur? (Refer to the hazard assessment enter the answer to “Probability”.)

b. Is the event imminent or a serious threat?

☐

Yes

☐

No

c. Is there a significant risk of severe or critical injury? (Refer to the hazard assessment if the Hazard Level is A, choose “Yes”.)

☐

Yes

☐

No

If the answers to the above questions are:

- Highly Likely or Likely
- The Hazard is Imminent or is a Serious Threat
- The Hazard is a rated as Level A: Severe or Critical

Danger Exists

Decision

25. WHSC Decision

☐

Danger

☐

No Danger

☐

Danger, but refusal not permitted under Subsection 128(2)

☐

No Danger, but gap exists: refer to Internal Complaint Resolution Process

☐

No Consensus

If danger, provide rationale, recommendations and implementation plan.

26. Investigation Sign-Off

Employer Member

Date

Employee Member

Date

27. Stage II Investigation Report provided to Employer on Date